House of Representatives

General Assembly

File No. 808

January Session, 2025

Substitute House Bill No. 7259

House of Representatives, April 29, 2025

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE.

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

Section 1. Subsection (a) of section 54-102j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) It shall be the duty of the Division of Scientific Services within the Department of Emergency Services and Public Protection to receive blood or other biological samples and to analyze, classify and file the results of DNA identification characteristics profiles of blood or other biological samples submitted pursuant to section 54-102g and to make such information available as provided in this section, except that the division shall analyze samples taken pursuant to subsection (a) of section 54-102g only as available resources allow. The results of an analysis and comparison of the identification characteristics from two or more blood or other biological samples shall be made available directly to federal, state and local law enforcement officers upon request

made in furtherance of an official investigation of any criminal offense. Only when a sample or DNA profile supplied by the person making the request satisfactorily matches a profile in the data bank shall the existence of data in the data bank be confirmed or identifying information from the data bank be disseminated, except that if the results of an analysis and comparison do not reveal a match between the sample or samples supplied and a DNA profile contained in the data bank, the division may, upon request of the law enforcement officer, indicate whether the DNA profile of a named **[**individual**]** person is contained in the data bank provided the law enforcement officer has a reasonable and articulable suspicion that such **[**individual**]** person has committed the criminal offense being investigated. A request pursuant to this subsection may be made by personal contact, mail or electronic means. The name of the person making the request and the purpose for which the information is requested shall be maintained on file with the division. Information derived from a nonqualifying sample entered into the data bank shall, prior to the expungement of the sample from the data bank or the purging of such information and the destruction of the sample in accordance with section 54-102*l*, be disclosed to the conviction integrity unit of the office of the Chief State's Attorney for the purpose of discharging the constitutional obligations of the Division of Criminal Justice relating to exculpatory evidence. In the event that such information is determined to be exculpatory to any person charged with or convicted of a crime, the information shall be disclosed to such person or such person's attorney. Information so disclosed shall not otherwise be used for investigative or prosecutorial purposes. For purposes of this subsection, "nonqualifying sample" includes any sample that is entered into the data bank in good faith, but without authority, or one in which the sample and the information derived from such sample should have previously been purged or expunged from the data bank.

Sec. 2. Subsection (d) of section 19a-112a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(d) Each health care facility in the state that provides for the collection

of sexual assault evidence shall follow the protocol adopted under subsection (b) of this section, contact a sexual assault counselor, as defined in section 52-146k, when a person who identifies himself or herself as a victim of sexual assault arrives at such health care facility and, with the consent of the victim, shall collect sexual assault evidence. After **[**the collection**]** collecting the evidence, the health care facility shall obtain the consent of the victim to establish a designation label for the sexual assault evidence collection kit, for which the victim may choose the designation of (1) "anonymous" by not including the victim's name on the sexual assault evidence collection kit and not reporting to a law enforcement agency at the time of evidence collection; (2) "identified" by including the victim's name on the sexual assault evidence collection kit, but not reporting to a law enforcement agency at the time of evidence collection; or (3) "reported" by including the victim's name on the sexual assault evidence collection kit and reporting to a law enforcement agency at the time of evidence collection. After the collection and designation of any evidence, the health care facility shall contact a law enforcement agency to receive the evidence. Not later than ten days after the collection of the evidence, the law enforcement agency shall transfer the evidence, in a manner that maintains the integrity of the evidence, to the Division of Scientific Services within the Department of Emergency Services and Public Protection. **[**or the Federal Bureau of Investigation laboratory.**]** If the evidence is transferred to the division and the sexual assault evidence collection kit is designated "identified" or "reported", the division shall analyze the evidence not later than sixty days after the collection of the evidence or, if the **[**victim chose to remain anonymous and not report the sexual assault to the law enforcement agency at the time of collection**]** sexual assault evidence collection kit is designated "anonymous", shall hold the evidence for at least five years after the collection of the evidence. If a victim reports the sexual assault to the law enforcement agency after the collection of the evidence, such law enforcement agency shall notify the division that a report has been filed not later than five days after filing such report and the division shall analyze the evidence not later than sixty days after receiving such notification. **[**The division**]** Following the analysis of any evidence

received, the division may, at the division's discretion, return the evidence submitted, or any portion of such evidence, to the submitting law enforcement agency in a manner that maintains the integrity of the evidence. The division or law enforcement agency, as applicable, shall hold any evidence received and analyzed pursuant to this subsection until the conclusion of any criminal proceedings. The failure of a law enforcement agency to transfer the evidence not later than ten days after the collection of the evidence, or the division to analyze the evidence not later than sixty days after the collection of the evidence or after receiving a notification from a law enforcement agency, shall not affect the admissibility of the evidence in any suit, action or proceeding if the evidence is otherwise admissible. The failure of any person to comply with this section or the protocol shall not affect the admissibility of the evidence in any suit, action or proceeding if the evidence is otherwise admissible.

Sec. 3. Section 53a-173 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) A person is guilty of failure to appear in the second degree when (1) while charged with the commission of a misdemeanor or a motor vehicle violation for which a sentence to a term of imprisonment may be imposed and while out on bail or released under other procedure of law, such person wilfully fails to appear when legally called according to the terms of such person's bail bond or promise to appear, or (2) while on probation for conviction of a misdemeanor or motor vehicle violation, such person wilfully fails to appear when legally called for any court hearing relating to a violation of such probation.

(b) Failure to appear in the second degree is (1) a class **[**A**]** D misdemeanor for a first offense, and (2) a class A misdemeanor for any subsequent offense.

Sec. 4. Subsection (f) of section 17a-593 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(f) After receipt of the board's report and any separate examination reports, the court shall promptly commence a hearing on the recommendation or application for discharge or petition for continued commitment. At **[**the**]** a hearing for a recommendation or application for discharge, the acquittee shall have the burden of proving by a preponderance of the evidence that the acquittee is a person who should be discharged. At a hearing on the state's attorney's petition for continued commitment, the state shall have the burden of proving by clear and convincing evidence that the acquittee remains a person with psychiatric disabilities or a person with intellectual disability to the extent that the acquittee's discharge would constitute a danger to the acquittee or others due to the acquittee's psychiatric disabilities or intellectual disability.

Sec. 5. Subsection (a) of section 18-98d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) (1) (A) Any person who is confined to a community correctional center or a correctional institution for an offense committed on or after July 1, 1981, and prior to October 1, 2021, under a mittimus or because such person is unable to obtain bail or is denied bail shall, if subsequently imprisoned, earn a reduction of such person's sentence equal to the number of days which such person spent in such facility from the time such person was placed in presentence confinement to the time such person began serving the term of imprisonment imposed; provided (i) each day of presentence confinement shall be counted only once for the purpose of reducing all sentences imposed after such presentence confinement; and (ii) the provisions of this section shall only apply to a person for whom the existence of a mittimus, an inability to obtain bail or the denial of bail is the sole reason for such person's presentence confinement, except that if a person is serving a term of imprisonment at the same time such person is in presentence confinement on another charge and the conviction for such imprisonment is reversed on appeal, such person shall be entitled, in any sentence subsequently imposed, to a reduction based on such

presentence confinement in accordance with the provisions of this section. In the case of a fine, each day spent in such confinement prior to sentencing shall be credited against the sentence at a per diem rate equal to the average daily cost of incarceration as determined by the Commissioner of Correction.

(B) Any person who is confined to a community correctional center or a correctional institution **[**for an offense committed**]** as a result of any charges in an information or indictment, including for an alleged violation of section 53a-32, filed on or after October 1, 2021, under a mittimus or because such person is unable to obtain bail or is denied bail shall, if subsequently imprisoned, earn a reduction of such person's sentence on each offense charged in such information or indictment equal to the number of days which such person spent in such facility from the time such person was placed in presentence confinement to the time such person began serving the term of imprisonment imposed; provided (i) each day of presentence confinement shall be counted equally in reduction of any concurrent sentence imposed for any offense pending at the time such sentence was imposed; (ii) each day of presentence confinement shall be counted only once in reduction of any consecutive sentence so imposed; and (iii) the provisions of this section shall only apply to a person for whom the existence of a mittimus, an inability to obtain bail or the denial of bail is the sole reason for such person's presentence confinement, except that if a person is serving a term of imprisonment at the same time such person is in presentence confinement on another charge and the conviction for which such imprisonment was imposed is reversed on appeal, such person shall be entitled, in any sentence subsequently imposed, to a reduction based on such presentence confinement in accordance with the provisions of this section. In the case of a fine, each day spent in such confinement prior to sentencing shall be credited against the sentence at a per diem rate equal to the average daily cost of incarceration as determined by the Commissioner of Correction.

(C) Any person who is confined in a correctional institution, police station, county jail, courthouse lockup or any other form of

imprisonment while in another state for a period of time solely due to a demand by this state on or after October 1, 2025, for the extradition of such person to face criminal charges in this state, shall, if subsequently imprisoned in the matter extradited for, earn a reduction of such person's sentence to a term of imprisonment, equal to the number of days such person was imprisoned in another state solely due to the pendency of the proceedings for such extradition.

(2) (A) Any person convicted of any offense and sentenced on or after October 1, 2001, to a term of imprisonment who was confined to a police station or courthouse lockup in connection with such offense because such person was unable to obtain bail or was denied bail shall, if subsequently imprisoned, earn a reduction of such person's sentence in accordance with subdivision (1) of this subsection equal to the number of days which such person spent in such lockup, provided such person at the time of sentencing requests credit for such presentence confinement. Upon such request, the court shall indicate on the judgment mittimus the number of days such person spent in such presentence confinement.

(B) Any person convicted of any offense and sentenced prior to October 1, 2001, to a term of imprisonment, who was confined in a correctional facility for such offense on October 1, 2001, shall be presumed to have been confined to a police station or courthouse lockup in connection with such offense because such person was unable to obtain bail or was denied bail and shall, unless otherwise ordered by a court, earn a reduction of such person's sentence in accordance with the provisions of subdivision (1) of this subsection of one day.

(C) The provisions of this subdivision shall not be applied so as to negate the requirement that a person convicted of a first violation of subsection (a) of section 14-227a and sentenced pursuant to subparagraph (B)(i) of subdivision (1) of subsection (g) of said section serve a term of imprisonment of at least forty-eight consecutive hours.

Sec. 6. Subdivision (1) of subsection (a) of section 51-277a of the general statutes is repealed and the following is substituted in lieu

thereof (*Effective October 1, 2025*):

(a) (1) Whenever a peace officer, in the performance of such officer's duties, uses physical force upon another person and such person dies as a result thereof or uses deadly force, as defined in section 53a-3, as amended by this act, upon another person, the Division of Criminal Justice shall cause an investigation to be made and the Inspector General shall have the responsibility of determining whether the use of physical force by the peace officer was justifiable under section 53a-22, as amended by this act. The use of an electronic defense weapon, as defined in section 53a-3, as amended by this act, by a peace officer shall not be considered deadly force for purposes of this section.

Sec. 7. Subdivision (6) of section 53a-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(6) "Deadly weapon" means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. The definition of "deadly weapon" in this subdivision shall be deemed not to apply to section 29-38 or 53-206 and does not include an electronic defense weapon when used by a peace officer;

Sec. 8. Subsection (d) of section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(d) A peace officer or an authorized official of the Department of Correction or the Board of Pardons and Paroles is justified in using a chokehold or other method of restraint applied to the neck area or that otherwise impedes the ability to breathe or restricts blood circulation to the brain of another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such use to be necessary to defend himself or herself or a third person from the use or imminent use of deadly physical force.

Sec. 9. Section 54-56*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) There shall be a supervised diversionary program for persons with psychiatric disabilities, persons with intellectual disabilities, persons with autism spectrum disorders or persons who are veterans, who are accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. For the purposes of this section, (1) "psychiatric disability" means a mental or emotional condition, other than solely substance abuse, that (A) has substantial adverse effects on the defendant's ability to function, and (B) requires care and treatment, (2) "autism spectrum disorder" has the same meaning as provided in section 17a-215f, and **[**(2)**]** (3) "veteran" means a veteran, as defined in section 27-103, who is found, pursuant to subsection (d) of this section, to have a mental health condition that is amenable to treatment.

(b) A person shall be ineligible to participate in such supervised diversionary program if such person (1) is ineligible to participate in the pretrial program for accelerated rehabilitation under subsection (c) of section 54-56e, except if a person's ineligibility is based on the person's being eligible for the pretrial family violence education program established under section 46b-38c, the court may permit such person to participate in the supervised diversionary program if it finds that the supervised diversionary program is the more appropriate program under the circumstances of the case, or (2) has twice previously participated in such supervised diversionary program.

(c) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury, that such person has not had such program invoked in such person's behalf more than once. Court personnel shall provide notice, on a form prescribed by the Office of the

Chief Court Administrator, to any victim of such crime or motor vehicle violation, by registered or certified mail, that such person has applied to participate in the program and that such victim has an opportunity to be heard by the court on the matter.

(d) (1) The court shall refer such person to the Court Support Services Division for confirmation of eligibility and assessment of the person's mental health condition, intellectual disability or autism spectrum disorder. The prosecuting attorney shall provide the division with a copy of the police report in the case to assist the division in its assessment. The division shall determine if the person is amenable to treatment and services and if appropriate community supervision, treatment and services are available. If the division determines that the person is amenable to treatment and services and that appropriate community supervision, treatment and services are available, the division shall develop a treatment or service plan tailored to the person and shall present the treatment or service plan to the court.

(2) If an assessment pursuant to this subsection is for a psychiatric disability, the Department of Mental Health and Addiction Services shall assist the division in conducting such assessment and identification of appropriate treatment and services if the person appears to have a psychiatric disability that is severe and persistent and limits a person's ability to live independently or such person has a history of receiving services from the department.

(3) If an assessment pursuant to this subsection is for an intellectual disability, the Department of Developmental Services shall assist the division in conducting such assessment and identification of appropriate treatment and services.

(4) If an assessment pursuant to this subsection is for an autism spectrum disorder, the Department of Social Services shall assist the division in conducting such assessment and identification of appropriate treatment and services.

(e) Upon confirmation of eligibility and consideration of the

treatment or service plan presented by the Court Support Services Division, the court may grant the application for participation in the program. If the court grants the application, such person shall be referred to the division. The division may collaborate with the Department of Mental Health and Addiction Services, [the Department of] Developmental Services, Social Services or Veterans Affairs or the United States Department of Veterans Affairs, as applicable, to place such person in a program that provides appropriate community supervision, treatment and services. The person shall be subject to the supervision of a probation officer who has a reduced caseload and specialized training in working with persons with psychiatric disabilities, intellectual disabilities or autism spectrum disorders, as applicable.

(f) The Court Support Services Division shall establish policies and procedures to require division employees to notify any victim of the person admitted to the program of any conditions ordered by the court that directly affect the victim and of such person's scheduled court appearances with respect to the case.

(g) Any person who enters the program shall agree: (1) To the tolling of the statute of limitations with respect to such crime or violation; (2) to a waiver of such person's right to a speedy trial; and (3) to any conditions that may be established by the division concerning participation in the supervised diversionary program including conditions concerning participation in meetings or sessions of the program.

(h) If the Court Support Services Division informs the court that such person is ineligible for the program and the court makes a determination of ineligibility or if the division certifies to the court that such person did not successfully complete the assigned program, the court shall order the court file to be unsealed, enter a plea of not guilty for such person and immediately place the case on the trial list.

(i) If such person satisfactorily completes the assigned program, such person may apply for dismissal of the charges against such person and

the court, on reviewing the record of such person's participation in such program submitted by the Court Support Services Division and on finding such satisfactory completion, shall dismiss the charges. If such person does not apply for dismissal of the charges against such person after satisfactorily completing the assigned program, the court, upon receipt of the record of such person's participation in such program submitted by the Court Support Services Division, may on its own motion make a finding of such satisfactory completion and dismiss the charges. Except as provided in subsection (j) of this section, upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed such person's period of probation or supervision or terminating the participation of a person in such program shall be a final judgment for purposes of appeal.

(j) The Court Support Services Division shall develop and maintain a database of information concerning persons admitted to the supervised diversionary program that shall be available to the state police and organized local police departments for use by sworn police officers when responding to incidents involving such persons. Such information shall include the person's name, date of birth, Social Security number, the violation or violations with which the person was charged, the dates of program participation and whether a deadly weapon or dangerous instrument was involved in the violation or violations for which the program was granted. The division shall enter such information in the database upon such person's entry into the program, update such information as necessary and retain such information for a period of five years after the date of such person's entry into the program.

(k) The Court Support Services Division **[**, in consultation**]** may consult with the Department of Mental Health and Addiction Services, **[**shall**]** Developmental Services, Social Services or Veterans Affairs or the United States Department of Veterans Affairs to develop standards and oversee appropriate treatment or service programs to meet the requirements of this section and may contract with service providers to provide such programs.

(l) The Court Support Services Division shall retain the police report provided to it by the prosecuting attorney and the record of supervision including the dates of supervision and shall provide such information to the court, prosecuting attorney and defense counsel whenever a court is considering whether to grant an application by such person for participation in the supervised diversionary program for a second time.

Sec. 10. Section 30-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

Any person convicted of a violation of any provision of this chapter for which a specified penalty is not imposed **[**,**]** shall, for **[**each offense, be subject to any penalty set forth in section 30-55**]** a first violation, be guilty of a class C misdemeanor, and for any subsequent violation, be guilty of a class B misdemeanor.

Sec. 11. (NEW) (*Effective October 1, 2025*) (a) No person shall knowingly allow a person who is not of the legal age for participation in online gaming and retail sports wagering to (1) open, maintain or use an account with an online gaming operator, or (2) make or attempt to make a wager on Internet games or with a sports wagering retailer.

(b) For purposes of this section, "online gaming operator", "Internet games" and "sports wagering retailer" have the same meanings as provided in section 12-850 of the general statutes.

(c) Any person who violates any provision of subsection (a) of this section shall be guilty of a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	54-102j(a)
Sec. 2	*October 1, 2025*	19a-112a(d)
Sec. 3	*October 1, 2025*	53a-173
Sec. 4	*October 1, 2025*	17a-593(f)
Sec. 5	*October 1, 2025*	18-98d(a)
Sec. 6	*October 1, 2025*	51-277a(a)(1)

Sec. 7	*October 1, 2025*	53a-3(6)
Sec. 8	*October 1, 2025*	53a-22(d)
Sec. 9	*October 1, 2025*	54-56*l*
Sec. 10	*October 1, 2025*	30-113
Sec. 11	*October 1, 2025*	New section

Statement of Legislative Commissioners:
In Section 5(a)(1)(C), the date was changed for conformity with the effective date of the section, and in Section 9(a)(2), a citation was changed for accuracy.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 $	FY 27 $
Mental Health & Addiction Serv., Dept.; Social Services, Dept.; Developmental Services, Dept.	GF - Cost	See Below	See Below
Correction, Dept.	GF - Potential Savings	Minimal	Minimal
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost/Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Impact	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill makes various changes to criminal justice laws, resulting in the following fiscal impacts.

Section 3 reduces the penalty for a first offense of failure to appear in the second degree from a class A misdemeanor to a class D misdemeanor. Subsequent offenses continue to be a class A misdemeanor. This results in a potential savings to the Judicial Department for probation and a potential revenue loss to the General Fund from fines. On average, the marginal cost for supervision in the community is less than $600[1] each year for adults and $450 each year for

[1] Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

juveniles.

Section 5 requires that individuals receive a sentence reduction for their time of imprisonment in other states under certain circumstances, resulting in a potential savings to the Department of Correction, to the extent that these individuals spend less time incarcerated in Connecticut correctional facilities. On average, the marginal cost to the state for incarcerating an offender for the year is $3,300.[2]

Section 9 results in a cost to the state associated with expanding a pretrial diversion program to include individuals with intellectual disabilities or autism spectrum disorder (ASD). The bill requires the Departments of Developmental Services (DDS), Social Services (DSS) or Mental Health and Addiction Services (DMHAS) to assist CSSD with assessing individuals and identifying appropriate treatment and services.

Under the current diversionary program, CSSD determines eligibility, conducts assessments and identifies appropriate services. Under the bill, DDS, DSS and DMHAS are anticipated to incur (1) administrative costs of at least $91,200 (with associated fringe of approximately $37,100) for staff to assist with assessments, identify services and establish treatment plans, and (2) programmatic costs to support treatment for such individuals to the extent that is required. For context, residential program services provided under DDS cost approximately $530,000 per bed.

The extent of the actual cost depends on (1) the number of individuals with intellectual disabilities or ASD eligible for diversion, (2) the agency responsible for assessments and related requirements, and (3) the extent to which new diversionary programs are required to support this population.

Section 10 increases penalties under the Liquor Control Act to class C misdemeanors for a first offense and class B misdemeanors for

[2] Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.).

subsequent offenses in a potential cost to the Judicial Department for probation and a potential revenue impact[3] to the General Fund from fines.

Section 11 creates a new class C misdemeanor for knowingly allowing a person under legal age to engage in online gaming or terrain sports wagering in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines.

The bill makes various other changes that are not anticipated to result in an impact to the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of sentence reductions and violations.

[3] Under current law, these violations may be subject to a civil penalty of up to $1,000. Under the bill, such violations would be subject to a fine of up to $500 for the first offense and up to $1,000 for subsequent offenses.

OLR Bill Analysis

sHB 7259

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE.

TABLE OF CONTENTS:

§§ 6 & 7 — USE OF ELECTRONIC DEFENSE WEAPONS

Excludes an electronic defense weapon used by a peace officer from being considered deadly force

§ 8 — USE OF CHOKEHOLDS BY LAW ENFORCEMENT

Expands the circumstances under which law enforcement may use a chokehold or similar restraint methods to include the defense of a third person from deadly physical force

§ 9 — DIVERSION PROGRAM FOR PERSONS WITH CERTAIN DISABILITIES OR DISORDERS

Extends to people with intellectual disability or ASD the existing pretrial diversionary program for people with psychiatric disabilities or veterans with certain mental health conditions; requires DMHAS to help with assessments of program participants with psychiatric disabilities

§ 10 — LIQUOR CONTROL ACT PENALTIES

Increases the penalty for Liquor Control Act violations without a specified penalty and certain other violations from permit penalties and a civil fine to a class C misdemeanor for a first offense and a class B misdemeanor for subsequent ones

§ 11 — ONLINE GAMING AND RETAIL SPORTS WAGERING ACCOUNTS

Makes it a class C misdemeanor to knowingly allow an underage person to (1) open or use an account with an online gaming operator or (2) wager or try to wager on Internet games or with a sports wagering retailer

SUMMARY

This bill makes various changes to criminal justice laws, as described in the following section-by-section analysis.

EFFECTIVE DATE: October 1, 2025

§ 1 — NONQUALIFYING DNA SAMPLES

Requires (1) DESPP to disclose information from nonqualifying samples in the DNA data bank to the chief state's attorney before expunging the samples and (2) if it is exculpatory, the chief state's attorney to disclose it to the person charged with or convicted of the crime or the person's attorney

The law tasks the Department of Emergency Services and Public Protection (DESPP) with receiving biological samples, analyzing and

filing the results of DNA identification characteristic profiles of samples, and making information available from the DNA data bank to law enforcement as part of an official criminal investigation.

The bill requires DESPP to disclose information derived from a nonqualifying sample in the DNA data bank to the chief state's attorney's conviction integrity unit before expunging the sample from the data bank or purging the derived information and destroying the sample. This must be done to enable the Division of Criminal Justice (DCJ) to meet its constitutional obligations on exculpatory evidence. (By law, a prosecuting authority must disclose exculpatory DNA analysis information or material to the accused.)

If the information is exculpatory to anyone charged with or convicted of a crime, the bill requires that it be disclosed to the person or the person's attorney. It prohibits this information from being otherwise used for an investigation or prosecution.

Under the bill, a nonqualifying sample is a sample (1) entered into the data bank in good faith but without authority or (2) in which the sample itself and any information derived from it should have previously been purged or expunged from the data bank.

§ 2 — SEXUAL ASSAULT EVIDENCE COLLECTION

Establishes identifying designations for sexual assault evidence kits based on whether the victim wants to be identified and report the assault at the time of evidence collection

Under existing law, when a sexual assault victim arrives at a health care facility that collects sexual assault evidence, the facility must follow specific protocol, contact a sexual assault counselor, and if the victim consents, collect sexual assault evidence.

The bill sets a process for creating, with the victim's consent, a label for designating sexual assault evidence collection kits, based on whether the victim wants to be identified and wants to report the assault to law enforcement at the time of evidence collection. The bill assigns the potential designations as follows:

1. "anonymous" for kits that do not include the victim's name and are not reported to a law enforcement agency at the time of collection,

2. "identified" for kits that include the victim's name but are not reported to law enforcement at that time, and

3. "reported" for kits that include the victim's name and are reported to law enforcement at that time.

After collecting and designating the evidence, the bill requires the health care facility to contact a law enforcement agency to receive it, which must then transfer it to DESPP's Division of Scientific Services for analysis. The bill eliminates the option for the agencies to transfer this evidence to the FBI laboratory, instead requiring in all cases that it be sent to DESPP. As is already the case, kits of someone who wants to remain anonymous must be held for at least five years after they were collected; the other kit types must be analyzed within 60 days after their collection.

Once the division completes its analysis, the bill allows it to return the submitted evidence, or any part of it, to the law enforcement agency in a way that preserves its integrity. If it does this, the agency must hold the evidence until the end of any criminal proceedings as the division already must do if it has the evidence.

Existing law, unchanged by the bill, specifies that failing to comply with this law does not affect the admissibility of the evidence in a lawsuit, action, or proceeding, if it would be otherwise admissible.

Background — Related Bill

sHB 6859 (File 455), reported favorably by the Public Safety and Security Committee, requires the division to return submitted evidence to the law enforcement agency that collected it after analysis and also eliminates the option for law enforcement to transfer the evidence to the FBI laboratory.

§ 3 — PENALTY FOR FAILURE TO APPEAR

Decreases, from a class A to a class D misdemeanor, the penalty for a first offense of willfully failing to appear for a misdemeanor offense or motor vehicle violation for which imprisonment may be imposed

The bill decreases the penalty for a first offense of willfully failing to appear at a court hearing related to a misdemeanor offense or motor vehicle violation. By law, the penalty applies to people who are (1) charged with and on bail (or otherwise released) for a misdemeanor or motor vehicle violation for which imprisonment may be imposed or (2) on probation for the offense or violation. The court hearing must be called either according to the bail bond's terms (or the promise to appear) or about a probation violation, as applicable.

Under current law, failing to appear for this hearing is a class A misdemeanor, punishable by up to 364 days imprisonment, a fine of up to $2,000, or both. The bill reduces the penalty to a class D misdemeanor for a first offense, punishable by up to 30 days imprisonment, a fine of up to $250, or both. Subsequent offenses remain a class A offense.

§ 4 — STANDARD OF EVIDENCE FOR CONTINUED COMMITMENT OF ACQUITTEES

Codifies the clear and convincing evidentiary standard the state's attorney must meet on a petition for continued commitment of a person found not guilty due to mental disease or defect

By law, the court must promptly hold a hearing on an application for discharge or petition for continued commitment of someone found not guilty by reason of mental disease or defect (an acquittee) after it receives the Psychiatric Security Review Board's recommendation.

The bill codifies the existing evidentiary standard (burden of proof) for a state's attorney's petition for continued commitment. Specifically, the state must show by clear and convincing evidence that the acquittee still has psychiatric disabilities or an intellectual disability such that to discharge them would be a danger to themselves or others because of the condition.

Existing law, unchanged by the bill, requires an acquittee, on a recommendation or petition for discharge, to show that they should be discharged by a preponderance of the evidence.

Background — Related Case

In *State* v. *Metz*, 230 Conn. 400 (1994), the state Supreme Court ruled that the state must show by clear and convincing evidence that the acquittee is currently mentally ill and dangerous to themselves or others or is gravely disabled in order to justify recommitment.

§ 5 — SENTENCE REDUCTION FOR EXTRADITION CONFINEMENT

Requires that someone who was imprisoned in another state for extradition to face criminal charges in this state receive a sentence reduction based on their imprisonment in the other state for extradition purposes; specifies that a sentence reduction for pre-sentence confinement applies to probation or conditional discharge violations

The bill requires that an individual who was confined in another state's correctional institution, police station, county jail, courthouse lockup, or other form of imprisonment due to an extradition demand to face Connecticut criminal charges, and who is subsequently imprisoned for the extradited offense, receive a sentence reduction for their time of imprisonment in the other state. The reduction applies to demands made by this state beginning October 1, 2025, and equals the number of days the person was imprisoned in the other state solely for the extradition proceedings.

Under existing law, anyone who was confined in a community correctional center or a correctional institution for a committed offense, under a mittimus (an order to arrest and bring a person before the court) or because the person is unable to obtain bail or is denied bail, must, if subsequently imprisoned, have the sentence reduced by the number of days they spent in pre-sentence confinement. The bill specifies that this applies to confinement for an alleged probation or conditional discharge violation rather than for a committed offense.

§§ 6 & 7 — USE OF ELECTRONIC DEFENSE WEAPONS

Excludes an electronic defense weapon used by a peace officer from being considered deadly force

By law, DCJ must investigate whenever a peace officer (e.g., state or local police, state or judicial marshals, and certain inspectors or investigators), while performing his or her duties, uses physical force that causes someone's death or uses deadly force on another person. The

inspector general must determine if the use of force was justifiable.

The bill specifies that peace officer use of an electronic defense weapon, like a stun gun or taser, is not considered deadly force for purposes of these investigations. It correspondingly excludes electronic defense weapons from being considered a "deadly weapon" when a peace officer uses them.

§ 8 — USE OF CHOKEHOLDS BY LAW ENFORCEMENT

Expands the circumstances under which law enforcement may use a chokehold or similar restraint methods to include the defense of a third person from deadly physical force

Existing law limits when a law enforcement officer may use a chokehold or similar methods of restraint (i.e. those that are applied to the neck area, impede the ability to breathe, or restrict blood circulation to the brain). It does so by allowing them only when the officer reasonably believes they are necessary to defend himself or herself from the use or imminent use of deadly physical force. The bill allows an officer to also use these methods when he or she reasonably believes they are needed to defend a third person from the deadly physical force.

By law, unchanged by the bill, a law enforcement officer includes (1) peace officers (e.g., state or local police, state or judicial marshals, and certain inspectors or investigators) and (2) authorized officials of the Department of Correction or the Board of Pardons and Paroles.

§ 9 — DIVERSION PROGRAM FOR PERSONS WITH CERTAIN DISABILITIES OR DISORDERS

Extends to people with intellectual disability or ASD the existing pretrial diversionary program for people with psychiatric disabilities or veterans with certain mental health conditions; requires DMHAS to help with assessments of program participants with psychiatric disabilities

Under existing law, there is a pretrial diversionary program for people with psychiatric disabilities or veterans with mental health conditions amenable to treatment. The bill extends eligibility for this program to people with intellectual disability or autism spectrum disorder (ASD). This program is for people charged with crimes, or motor vehicle violations that could include prison time, that are not serious.

Under this program, similar to certain other pretrial diversionary programs, defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs before trial. Participants must waive their right to a speedy trial and agree to a pause of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

The bill generally extends the program's existing procedures and requirements to people with intellectual disability or ASD. For example:

1. a person may participate in the program only twice;

2. the program is not open to people who are ineligible for the pretrial accelerated rehabilitation program, except in some cases if that ineligibility is based on the person being eligible for the pretrial family violence education program;

3. when the person applies to participate, the court must seal the court file to the public under specified conditions, but the victim must be notified about the application;

4. the Court Support Services Division (CSSD) must confirm the person's eligibility and develop a treatment plan (see below); and

5. if the person completes the program and charges are dismissed, the records of the charges are erased, except that CSSD must keep a database with participant information (for five years) to share with police when responding to incidents involving them.

For participants under the bill, along with determining their eligibility, CSSD must assess their intellectual disability or ASD (instead of mental health condition as under existing law). The departments of Developmental Services (DDS) (for intellectual disability assessments) and Social Services (DSS) (for ASD assessments) must help CSSD make the assessment and identify appropriate treatment and services. The bill similarly requires the Department of Mental Health and Addiction Services (DMHAS) to help CSSD with the assessment and treatment and services identification for a participant with a psychiatric disability if

they have a history of receiving DMHAS services or it appears their disability is of a severe and persistent nature and limits their ability to live independently.

The bill makes a conforming change to the required training for probation officers supervising participants. It requires them to have specialized training in working with people with intellectual disability and ASD, in addition to people with psychiatric disabilities as under existing law. The bill allows CSSD to collaborate with DDS and DSS, as it may already do with DMHAS and the state and federal veterans affairs departments, on participant placement in a program.

Lastly, the bill allows, rather than requires, CSSD to consult with DMHAS when developing standards and overseeing appropriate treatment or service programs to meet the program's requirements under law. It also allows CSSD to do this with DDS, DSS, and the state and federal veterans affairs departments.

§ 10 — LIQUOR CONTROL ACT PENALTIES

Increases the penalty for Liquor Control Act violations without a specified penalty and certain other violations from permit penalties and a civil fine to a class C misdemeanor for a first offense and a class B misdemeanor for subsequent ones

The bill increases the penalty for Liquor Control Act violations with no specified penalty from various penalties (e.g., permit revocation and suspension) and a fine of up to $1,000, to a class C misdemeanor (punishable by up to three months imprisonment, up to a $500 fine, or both) for a first offense and a class B misdemeanor (punishable by up to six months imprisonment, up to a $1,000 fine, or both) for subsequent offenses.

Correspondingly, the bill likewise increases the penalties for the following violations:

1. opening, or allowing to be open, new access into the permit premises from any part of a building that is not part of the permitted area (CGS § 30-51);

2. unauthorized sale, distribution, or dispensing of alcoholic liquor (CGS § 30-74);

3. unauthorized alcohol purchases by a manufacturer or wholesaler permittee (CGS § 30-76);

4. unauthorized disposing of alcohol without a permit (CGS § 30-77);

5. selling or delivering alcohol to a minor, intoxicated individual, or habitual drunkard (CGS § 30-86);

6. inducing a minor to obtain alcohol from a liquor permittee (CGS § 30-87);

7. as a permittee, allowing certain individuals (e.g., minors) to loiter on the permit premises (CGS § 30-90);

8. as a jailer, prison keeper, or other officer, providing alcohol to prisoners (CGS § 30-98);

9. as an unlicensed entity, furnishing alcohol to bottle club members or their guests (CGS § 30-100); and

10. as a pharmacist, selling alcohol to be drunk on the premises (CGS § 30-101).

§ 11 — ONLINE GAMING AND RETAIL SPORTS WAGERING ACCOUNTS

Makes it a class C misdemeanor to knowingly allow an underage person to (1) open or use an account with an online gaming operator or (2) wager or try to wager on Internet games or with a sports wagering retailer

The bill makes it a class C misdemeanor to knowingly allow someone who is under the legal age for participating in online gaming and retail sports wagering to (1) open, maintain, or use an account with an online gaming operator or (2) make or try to make a wager on Internet games or with a sports wagering retailer. A class C misdemeanor is punishable by up to three months imprisonment, up to a $500 fine, or both.

By law, "Internet games" are (1) online casino gaming, (2) online

sports wagering, (3) fantasy contests, (4) keno through an online service or a mobile application, and (5) the sale of lottery draw game tickets through an online service or a mobile application. A "sports wagering retailer" is a person or business entity that contracts with the Connecticut Lottery Corporation (CLC) to facilitate retail sports wagering operated by CLC through an electronic wagering platform. And an "online gaming operator" is generally a person or business entity that operates an electronic wagering platform.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 41 Nay 0 (04/08/2025)