House of Representatives

File No. 953

General Assembly

January Session, 2025

(Reprint of File No. 808)

Substitute House Bill No. 7259
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 23, 2025

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 Subsection (a) of section 54-102j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):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. Subsections (a) and (b) of section 54-192h of the general statutes are repealed and the following is substituted in lieu thereof

(*Effective October 1, 2025*):

(a) For the purposes of this section:

(1) "Administrative warrant" means a warrant, notice to appear, removal order or warrant of deportation issued by an agent of a federal agency charged with the enforcement of immigration laws or the security of the borders, including ICE and the United States Customs and Border Protection, but does not include a warrant issued or signed by a judicial officer.

(2) "Civil immigration detainer" means a request from a federal immigration authority to a local or state law enforcement agency for a purpose including, but not limited to:

(A) Detaining an individual suspected of violating a federal immigration law or who has been issued a final order of removal;

(B) Facilitating the (i) arrest of an individual by a federal immigration authority, or (ii) transfer of an individual to the custody of a federal immigration authority;

(C) Providing notification of the release date and time of an individual in custody; and

(D) Notifying a law enforcement officer, through DHS Form I-247A, or any other form used by the United States Department of Homeland Security or any successor agency thereto, of the federal immigration authority's intent to take custody of an individual;

(3) "Confidential information" means any information obtained and maintained by a law enforcement agency relating to (A) an individual's (i) sexual orientation, or (ii) status as a victim of domestic violence or sexual assault, (B) whether such individual is a (i) crime witness, or (ii) recipient of public assistance, or (C) an individual's income tax or other financial records, including, but not limited to, Social Security numbers;

(4) "Federal immigration authority" means any officer, employee or

other person otherwise paid by or acting as an agent of ICE or any division thereof or any officer, employee or other person otherwise paid by or acting as an agent of the United States Department of Homeland Security or any successor agency thereto who is charged with enforcement of the civil provisions of the Immigration and Nationality Act;

(5) "ICE" means United States Immigration and Customs Enforcement or any successor agency thereto;

(6) "ICE access" means any of the following actions taken by a law enforcement officer with respect to an individual who is stopped by a law enforcement officer with or without the individual's consent, arrested, detained or otherwise under the control of a law enforcement official or agency:

(A) Responding to a civil immigration detainer or request for notification pursuant to subparagraph (B) of this subdivision concerning such individual;

(B) Providing notification to a federal immigration authority that such individual is being or will be released at a certain date and time through data sharing or otherwise;

(C) Providing a federal immigration authority nonpublicly available information concerning such individual regarding release date or time, home address or work address, whether obtained through a computer database or otherwise;

(D) Allowing a federal immigration authority to interview such individual under the control of the law enforcement agency;

(E) Allowing a federal immigration authority to use a facility or resources in the control of a law enforcement agency to conduct interviews, administrative proceedings or other immigration enforcement activities concerning such individual; or

(F) Providing a federal immigration authority information regarding

dates and times of probation or parole supervision or any other information related to such individual's compliance with the terms of probation or parole;

"ICE access" does not include submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual;

(7) "Judicial officer" means any judge of the state or federal judicial branches and any federal magistrate judge. "Judicial officer" does not mean an immigration judge;

(8) "Law enforcement agency" means any agency for which a law enforcement officer is an employee of or otherwise paid by or acting as an agent of;

(9) "Law enforcement officer" means:

(A) Each officer, employee or other person otherwise paid by or acting as an agent of the Department of Correction;

(B) Each officer, employee or other person otherwise paid by or acting as an agent of a municipal police department;

(C) Each officer, employee or other person otherwise paid by or acting as an agent of the Division of State Police within the Department of Emergency Services and Public Protection; **[**and**]**

(D) Each judicial marshal, state marshal and adult or juvenile probation officer;

(E) Each state's attorney, assistant state's attorney, supervising state's attorney, special deputy assistant state's attorney and each officer, employee or other person otherwise paid by or acting as an agent of the Division of Criminal Justice; and

(F) Each officer, employee or other person otherwise paid by or acting as an agent of the Board of Pardons and Paroles;

(10) "Bail commissioner or intake, assessment or referral specialist" means an employee of the Judicial Branch whose duties are described in section 54-63d; and

(11) "School police or security department" means any police or security department of (A) the constituent units of the state system of higher education, as defined in section 10a-1, (B) a public school, or (C) a local or regional school district.

(b) (1) No law enforcement officer, bail commissioner or intake, assessment or referral specialist, or employee of a school police or security department shall:

(A) Arrest or detain an individual pursuant to a civil immigration detainer unless (i) the detainer is accompanied by a warrant issued or signed by a judicial officer, (ii) the individual has been convicted of **[**a**]** (I) a violation of section 53-21, 53a-56a, 53a-64aa, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-102a, 53a-196e, 53a-196f, 53a-196i, 53a-222 or 53a-223, or (II) any class A or B felony offense, or (iii) the individual is identified as a possible match in the federal Terrorist Screening Database or similar database;

(B) Expend or use time, money, facilities, property, equipment, personnel or other resources to communicate with a federal immigration authority regarding the custody status or release of an individual targeted by a civil immigration detainer, except as provided in subsection (e) of this section;

(C) Arrest or detain an individual based on an administrative warrant;

(D) Give a federal immigration authority access to interview an individual who is in the custody of a law enforcement agency unless the individual (i) has been convicted of **[**a**]** (I) a violation of section 53-21,

53a-56a, 53a-64aa, 53a-71, 53a-72a, 53a-72b, 53a-90a, 53a-102a, 53a-196e, 53a-196f, 53a-196i, 53a-222 or 53a-223, or (II) any class A or B felony offense, (ii) is identified as a possible match in the federal Terrorist Screening Database or similar database, or (iii) is the subject of a court order issued under 8 USC 1225(d)(4)(B); or

(E) Perform any function of a federal immigration authority, whether pursuant to 8 USC 1357(g) or any other law, regulation, agreement, contract or policy, whether formal or informal.

(2) The provisions of this subsection shall not prohibit submission by a law enforcement officer of fingerprints to the Automated Fingerprints Identification system of an arrested individual or the accessing of information from the National Crime Information Center by a law enforcement officer concerning an arrested individual.

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. Section 54-192h of the general statutes is amended by adding subsection (h) as follows (*Effective October 1, 2025*):

(NEW) (h) A municipality may be subject to an action by any aggrieved person for injunctive or declaratory relief, including a determination of past violations, if an officer, employee or other person otherwise paid by or acting as an agent of such municipality's police department or of any school police or security department described in subparagraph (B) or (C) of subdivision (11) of subsection (a) of this section for the school district of such municipality violates any provision of this section. Such action may be brought in the superior court for the judicial district in which the municipality is located. If an aggrieved person prevails in an action under this subsection and an order of injunctive relief is issued, such aggrieved person may be entitled to recover court costs and reasonable attorney's fees associated only with an action or that portion of an action concerning a request and order for injunctive relief. An action under this subsection shall be privileged with respect to assignment for trial.

Sec. 7. 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. 8. 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. 9. 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. 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*	54-192h(a) and (b)
Sec. 5	*October 1, 2025*	18-98d(a)
Sec. 6	*October 1, 2025*	54-192h(h)
Sec. 7	*October 1, 2025*	51-277a(a)(1)
Sec. 8	*October 1, 2025*	53a-3(6)
Sec. 9	*October 1, 2025*	53a-22(d)
Sec. 10	*October 1, 2025*	30-113
Sec. 11	*October 1, 2025*	New section

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 $
Correction, Dept.	GF - Potential Savings	Minimal	Minimal
Judicial Dept. (Probation)	GF - Potential Cost/Savings	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Impact	Minimal	Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 26 $	FY 27 $
All Municipalities	Potential Cost	See Below	See Below

Explanation

The 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 beginning in FY 26. On average, the marginal cost for supervision in the community is less than $600[1] each year for adults and

[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

$450 each year for 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 beginning in FY 26, 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 6 results in a potential cost to municipalities beginning in FY 26 to the extent they are subject to an action brought in superior court. Any cost will be dependent on court costs and attorney's fees associated with the action.

Section 10 increases penalties under the Liquor Control Act to class C misdemeanors for a first offense and class B misdemeanors for subsequent offenses in a potential cost to the Judicial Department for probation and a potential revenue impact[3] to the General Fund from fines beginning in FY 26.

Section 11 creates a new class C misdemeanor for knowingly allowing a person under legal age to engage in online gaming or sports wagering resulting in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund from fines beginning in FY 26.

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

House "A" strikes the language of the underlying bill resulting in the

anticipated to result in enough additional offenders to require additional probation officers.

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

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

fiscal impact described above.

The Out Years

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

OLR Bill Analysis

sHB 7259 (as amended by House "A")*

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE.

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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

§§ 7 & 8 — USE OF ELECTRONIC DEFENSE WEAPONS

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

§ 9 — 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 the use or imminent use of deadly physical force

§ 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.

*House Amendment "A" adds the provisions on the state's civil immigration detainer law and eliminates provisions in the underlying bill that (1) codify the evidentiary standard for the state's attorney to meet on a petition for continued commitment of someone found not guilty due to mental disease or defect and (2) create a diversion program for persons with intellectual disability or autism spectrum disorder.

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 and Appropriations committees, 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 & 6 — CIVIL IMMIGRATION DETAINERS

Expands who is considered a "law enforcement officer" under the civil immigration detainer law to include, among others, juvenile probation officers, prosecutors, and BOPP employees; broadens the circumstances under which a federal immigration authority can interview a person in state or local law enforcement custody or a person may be arrested or detained under a civil immigration detainer to apply to people convicted of 1 of 13 specified crimes; creates a civil cause of action for an aggrieved person against a municipality for violating this detainer law

Law Enforcement Officers

The bill expands who is considered a "law enforcement officer" under the state's civil immigration detainer law to include the persons listed below (see *Background*). In doing so, it prohibits them from conducting certain acts outlined in existing law such as using state time

and resources to communicate with a federal immigration authority or arrest or detain someone based on an administrative warrant.

Under the bill, the following persons are now considered law enforcement officers:

1. juvenile probation officers;

2. state's attorneys, assistant state's attorneys, supervising state's attorneys, and special deputy assistant state's attorneys; and

3. officers, employees, or other persons otherwise paid by or acting as an agent of DCJ or the Board of Pardons and Paroles (BOPP).

Exemption From Protection Due to Crime Convictions

Among other things, the state's civil immigration detainer law generally prohibits law enforcement officers; intake, assessment, or referral specialists; and school police or security department employees from (1) arresting or detaining a person under a civil immigration detainer or (2) giving a federal immigration authority access to interview a person in law enforcement agency custody. But this protection does not apply to those who were convicted of a class A or B felony or identified as a possible match in the federal Terrorist Screening Database or similar database. The bill expands the exemption to include all those convicted of any of the following 13 crimes, regardless of the felony classification involved, thus allowing them to be arrested, detained, or made available for interview by a federal immigration authority:

1. injury or risk of injury to, or impairing morals of, children (CGS § 53-21);

2. 2nd degree manslaughter with a firearm (CGS § 53a-56a);

3. 1st degree strangulation or suffocation (CGS § 53a-64aa);

4. 2nd or 3rd degree sexual assault or 3rd degree sexual assault with a firearm (CGS §§ 53a-71, 53a-72a, and 53a-72b);

5. enticing a minor (CGS § 53a-90a);

6. 2nd degree burglary with a firearm (CGS § 102a);

7. 2nd or 3rd degree possessing child sexual abuse material (CGS §§ 53a-196e and 53a-196f);

8. commercial sexual exploitation of a minor (CGS § 53a-196i);

9. 1st degree violation of conditions of release (CGS § 53a-222); or

10. criminal violation of a protective order (CGS § 53a-223).

Violations by Municipalities

The bill allows an aggrieved person to take civil action against a municipality for a violation of the civil immigration detainer law by an officer, employee, or other person paid by or acting as an agent of the municipal police department or of the school district's school police or security department. The action may be for an injunction or declaratory relief, including a determination of past violations.

Under the bill, the action must be (1) brought in the Superior Court of the judicial district in which the municipality is located and (2) privileged with respect to trial assignment.

The bill allows for the aggrieved person who prevails at court and receives an order for injunctive relief, to receive court costs and reasonable attorney's fees, but only those associated with the action (or part of it) for injunctive relief.

Background — Civil Immigration Detainer

A "civil immigration detainer" is a request from a federal immigration authority to a local or state law enforcement agency for the following purposes:

1. detain someone suspected of violating a federal immigration law or who has been issued a final order of removal;

2. facilitate the (a) arrest of someone by a federal immigration authority or (b) transfer of someone to the custody of a federal immigration authority;

3. provide notice of the release date and time of someone in custody; or

4. notify a law enforcement officer, through a form used by the federal Department of Homeland Security or any successor agency, of the authority's intent to take someone into custody.

Background — Related Bill

sHB 7212 (File 757), reported favorably by the Judiciary Committee, also expands the persons considered to be "law enforcement officers" under the state's civil immigration detainer law and subjects municipalities that violate this law to certain legal action including for damages.

§ 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.

§§ 7 & 8 — 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.

§ 9 — 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 the use or imminent use of 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 BOPP.

§ 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 a fine up to $500, up to three months imprisonment, 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)