OLR Bill Analysis

sHB 7259

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE.

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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)