PA 25-29—sHB 7259
Judiciary Committee

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING CRIMINAL JUSTICE

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

The act 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 act 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 act, 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 a specific protocol, contact a sexual assault counselor, and if the victim consents, collect sexual assault evidence.

The act 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 act 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 act 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 act eliminates the option under prior law for law enforcement 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 act 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 act, 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.

§ 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 act 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 terms of the promise to appear) or concerning a probation violation, as applicable.

Under prior law, failing to appear for this hearing was a class A misdemeanor. The act reduces the penalty to a class D misdemeanor for a first offense, but subsequent offenses remain class A offenses (see Table on Penalties).

§§ 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 13 additional crimes; creates a civil cause of action for an aggrieved person against a municipality for violating this detainer law

Law Enforcement Officers

The act 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 act, 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; bail commissioners or 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 convicted of a class A or B felony or identified as a possible match in the federal Terrorist Screening Database or similar database. The act expands the exemption to include individuals 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, impairing morals of, or selling children under age 16 (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 act 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 act, the action must be (1) brought in the Superior Court of the judicial district in which the municipality is located and (2) privileged for trial assignment.

The act allows an 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 to:

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, about the authority's intent to take someone into custody.

§ 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; specifies that a sentence reduction for pre-sentence confinement applies to alleged violations, including probation or conditional discharge violations

The act 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 act specifies that this applies to confinement for an allegedly committed violation, including a probation or conditional discharge violation, rather than for a committed offense. It also applies the reduction to each charged offense.

§§ 7 & 8 — USE OF ELECTRONIC DEFENSE WEAPONS

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

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 act specifies that peace officer use of an electronic defense weapon, like a stun gun or taser, is not considered deadly force for 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 act 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 act, the covered law enforcement officers include (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, making them a class C misdemeanor for a first offense and a class B misdemeanor for subsequent ones

The act 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 for a first offense and a class B misdemeanor for subsequent offenses (see Table on Penalties).

Correspondingly, the act 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 act makes it a class C misdemeanor (see Table on Penalties) 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.

By law, "Internet games" are (1) online casino gaming; (2) online sports wagering; (3) fantasy contests; (4) keno through the Internet, an online service, or a mobile application; and (5) the sale of lottery draw game tickets through an Internet, 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 a person or business entity that operates an electronic wagering platform and contracts directly with a master wagering licensee to provide Internet games or retail sports wagering.