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## **OLR Bill Analysis**

### **HB 5563 (as amended by House "A")\***

#### ***AN ACT CONCERNING VARIOUS CRIMINAL LAW PROPOSALS.***

#### **SUMMARY**

This bill makes the following changes to criminal law-related statutes:

1. expands the crime of organized retail theft by lengthening the time period, from 180 to 365 days, within which a person must reach the crime's \$2,000 threshold;
2. specifies that a person is guilty of being an accessory to organized retail theft by using certain online and electronic tools to receive, control, and dispose of the stolen property;
3. establishes two new crimes as forms of larceny: (a) fostering the sale of stolen property and (b) gift card crimes, such as altering or tampering with a gift card;
4. increases the maximum civil liability for punitive damages, from \$300 to \$1,000, for shoplifting certain goods or merchandise from a store or agricultural produce from real property, and in cases where the plaintiff loses, eliminates the court's ability to award defendants up to \$300 in damages;
5. establishes a registration process for smaller air navigation facilities, sets criminal penalties for operating an unregistered facility, and increases the fee for air navigation facility licensure or renewals;
6. makes changes to two provisions in sHB 5567, including on (a) the Department of Correction's (DOC) actions after accepting prescription medications at a person's intake and (b) the start date for a DOC pilot program at York Correctional Institution;

7. expands the timeframe in which people may file post-conviction petitions for DNA testing of evidence;
8. requires (a) the court to allow crime victims to make a statement for the record before any proceedings to dismiss or nolle a charge for specified offenses and (b) prosecutors to notify victims before sentencing or a plea agreement if the victim gives their up-to-date contact information, instead of a stamped, self-addressed postcard;
9. eliminates an exception from sSB 397's general 21-day limitation on public agencies or private vendors keeping automated license plate reader (ALPR) data; and
10. requires the Police Officer Standards and Training Council (POST) to give law enforcement units additional guidance on collaboration with social workers, including outlining circumstances in which a social worker may be equipped to respond to an assistance call or help with one.

The bill also adds an authorized Department of Children and Families (DCF) representative to the existing list of people and entities that the Department of Public Health (DPH) may give information to about an acknowledgement of parentage. But the information may only be given when it is requested for work on a matter pending in Superior Court for juvenile matters and the child's parentage is outstanding. By law, DPH keeps a parentage registry of completed acknowledgement of parentage forms. Examples of others to whom the law authorizes release of this information are a court, a federal agency, an authorized representative of the Department of Social Services, or a child support agency (§ 4).

Lastly, the bill makes technical and conforming changes.

\*House Amendment "A" principally adds the provisions on air navigation facilities, DOC accepting medication at intake and a DOC pilot program, post-conviction DNA testing, victim statement and notification, ALPR data, and POST guidance on social worker

collaboration.

EFFECTIVE DATE: October 1, 2026, except the DOC pilot program, ALPR, and POST guidance provisions are effective upon passage, and the provision on victim statement and notification is effective January 1, 2027.

## **§ 1 — ORGANIZED RETAIL THEFT**

Currently, a person commits organized retail theft when, for financial gain, he or she works with at least one other person to shoplift retail property that has an aggregate value of more than \$2,000 and (1) does it within a specified time frame and (2) sells, delivers, or otherwise transfers it to a retail property fence. A fence is a buyer of retail property that he or she knows or should know is stolen with the intent to unlawfully distribute it or to promote, manage, carry on, or facilitate organized retail theft.

The bill lengthens, from 180 to 365 days, the time period within which the person must shoplift the property to be guilty of organized retail theft.

Under existing law, a person is an accessory to organized retail theft if he or she receives, possesses, conceals, stores, barter, sells, or otherwise disposes of the stolen property intending to (1) distribute the proceeds or (2) promote, manage, carry on, or facilitate organized retail theft. The bill specifies this includes doing so through an online platform, Internet website, or electronic device.

By law, organized retail theft and accessory to organized theft are both class D felonies (punishable by up to five years in prison, up to a \$5,000 fine, or both). But if the financial benefit is \$10,000 or more, then it is a class C felony (punishable by up to 10 years in prison, up to a \$10,000 fine, or both).

## **§ 2 — FOSTERING THE SALE OF STOLEN PROPERTY**

The bill establishes the crime of “fostering the sale of stolen property” as a form of larceny (see BACKGROUND). A person is guilty of this new crime when he or she (1) hosts, advertises, or otherwise helps sell stolen

property, including through an online platform, and (2) knows or believes that the property was stolen. This crime does not apply if the property is received, retained, or disposed of in order to give it back to the owner.

## **§ 2 — GIFT CARD CRIME**

The bill establishes “gift card crime” as a new form of larceny (see BACKGROUND). A person is guilty of this crime when, with intent to defraud, the person:

1. acquires or keeps a gift card or gift card redemption information without the consent of the cardholder or the gift card’s issuer or seller;
2. alters or tampers with a gift card or its packaging; or
3. devises a scheme to get a gift card or gift card information from a cardholder or gift card issuer or seller by false or fraudulent pretenses, representations, or promises.

Under the bill, gift cards are physical or digital, closed-loop or open-loop gift cards that are activated or inactivated. Closed-loop gift cards are cards, codes, or devices on which consumers prepay a specified amount, but can only redeem at the specific merchant or group of affiliated merchants who issued it. Open-loop gift cards are redeemable at multiple unaffiliated merchants within a payment card network (Visa, for example).

## **§ 3 — LIABILITY FOR SHOPLIFTING**

The bill increases the maximum civil liability for punitive damages, from \$300 to \$1,000, for an adult or emancipated minor who shoplifts, without the owner’s consent and with the intent of not paying for them or altering their price, (1) goods or merchandise a store displays or (2) certain agricultural produce.

As under existing law, the person taking the goods or merchandise is also liable for the actual and reasonable costs of (1) maintaining the civil action, including court costs and reasonable attorney’s fees, and (2) the

retail value of the goods, merchandise, or produce taken. Additionally, a larceny criminal conviction is not needed to maintain this civil action, but all actions must be brought within two years of the initial complaint.

The bill also eliminates the court's ability to award damages of up to \$300 to the defendant if the plaintiff loses. But as under existing law, the court may award the defendant costs and reasonable attorney's fees.

### **§ 501 — AIR NAVIGATION FACILITIES**

The bill statutorily establishes a registration process for smaller air navigation facilities by:

1. specifying that existing law's licensing requirements for airports, heliports, vertiports, restricted landing areas, and other air navigation facilities only apply to those where more than 36 combined aircraft landings and takeoffs are expected in any year (see BACKGROUND);
2. explicitly authorizing the Connecticut Airport Authority (CAA) to register (and renew registrations for) facilities below this landings-takeoffs threshold; and
3. requiring that these facilities be registered with CAA before they are used or operated.

The bill sets a \$100 registration or renewal fee for these smaller facilities and makes registrations effective for three years. Under the bill, municipally owned or operated airports are not subject to registration fees. The bill requires registrants to certify, on a CAA-provided form, that (1) the facility will comply with all applicable federal, state, and local laws and regulations during the registration period and (2) there will be 36 or fewer combined aircraft landings and takeoffs at the facility in any year during the registration period.

Under the bill, it is a class C misdemeanor to operate a facility in violation of the registration requirement (punishable by up to a \$500 fine, up to three months in prison, or both). The bill also applies this penalty to existing law's prohibition on operating a facility (that is above

the landings-takeoffs threshold) without CAA first approving and licensing it. (As under existing law, these provisions do not apply to federally owned facilities.)

Additionally, beginning October 1, 2026, the bill increases the air navigation facility licensure or renewal fee (for facilities above the landings-takeoffs threshold) from \$150 to \$300. As under existing law, licenses are effective for three years.

### **§ 502 — DOC INTAKE PROCEDURES AND PRESCRIPTION MEDICATIONS**

sHB 5567, § 2, as amended by House Amendment “A” and passed by both chambers, sets procedures related to medications that DOC must follow during someone’s intake to a correctional institution. Under that bill, if the person has prescription medication in his or her possession at intake, DOC must accept that medication to be stored and administer it as prescribed.

This bill specifies that DOC will possibly administer the medications as prescribed, and do so in line with the department’s written policies and procedures to ensure patient safety.

### **§ 503 — DOC DISCHARGE PLANNING AND CARE COORDINATION PILOT**

sHB 5567, § 8, as amended by House Amendment “A” and passed by both chambers, requires DOC and certain other agencies, within available appropriations, to begin a pilot program to help with discharge planning and care coordination for people being released from York Correctional Institution.

The bill (1) moves up the date by one year (to October 1, 2026) for the agencies to begin the program and (2) correspondingly moves up by one year the due date for the first required report about the program (setting the deadline as January 15, 2028).

### **§ 504 — POST-CONVICTION DNA TESTING**

Existing law allows anyone convicted of a crime and sentenced to prison to file a petition with the sentencing court requesting DNA

testing of evidence (see BACKGROUND). The bill eliminates the requirement that these petitions be filed only while the person is incarcerated, also allowing them while the person is on probation or parole or otherwise under correctional jurisdiction or supervision after the prison term has ended.

The bill also codifies existing practice by specifying that the denial of this kind of petition is a final judgment that can be appealed.

## **§ 505 — VICTIM STATEMENT AND NOTIFICATION**

### ***Victim Statement***

Similar to what existing law requires for cases involving plea agreements, the bill requires a court, before any proceeding to dismiss or nolle (prosecutor chooses to not prosecute) a charge against the defendant for any of the offenses below, to allow the crime victim to state his or her opinion about the charge being dismissed or a nolle being entered for the record. As under existing law for this provision, a “victim” is a person who is a crime victim, his or her legal representative, a deceased victim’s immediate family member, or a decision maker designated under law with certain rights and obligations by a deceased victim.

Under the bill, the court must allow the victim to make a statement for the following offenses:

1. 1st, 2nd, 3rd, or 4th degree sexual assault; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; commercial sexual abuse or sexual exploitation of a minor; incest; or impairing the morals of a child through sexual contact or transferring or receiving the custody of a child for payment;
2. 1st degree promotion of prostitution, enticing a minor or misrepresenting age to entice a minor, or human trafficking;
3. voyeurism, obscenity as to a minor, using or promoting a minor in an obscene performance, or harmful communication with a minor;

4. unlawful dissemination of an intimate image; importing child pornography; 1st, 2nd, or 3rd degree possession of child pornography; possessing or transmitting child pornography by a minor; and
5. any other offense that is (a) a nonviolent sexual offense or a sexually violent offense or (b) designated as a family violence crime.

### ***Victim Notification***

Existing law allows all crime victims to make a statement for the record before sentencing and on any plea agreement before its acceptance by the court. Currently, if the victim wishes to make or submit a statement, he or she must give a stamped, self-addressed postcard for the notification, in compliance with the state's attorney's request. The bill instead requires the victim to give the state's attorney, assistant state's attorney, deputy assistant state's attorney up-to-date contact information to be notified of the hearing.

### **§ 506 — KEEPING AUTOMATED LICENSE PLATE READER (ALPR) DATA**

sSB 397, § 13, as amended by Senate Amendment "A" and "B" and passed by both chambers, generally allows public agencies or private vendors under contract with them to keep ALPR data for no longer than 21 days, with certain exceptions.

This bill removes one exception by repealing a provision allowing agencies or vendors to keep ALPR data for more than 21 days as necessary to establish that a potential future offense, motor vehicle violation, or infraction (under an ordinance, statute, or regulation) is a subsequent one with a higher penalty than the previous one.

### **§ 507 — POST GUIDANCE TO LAW ENFORCEMENT**

By January 31, 2021, the Department of Emergency Services and Public Protection and each municipal police department had to submit to POST an evaluation of the feasibility and potential impact of social workers responding to calls for assistance (either remotely or in person)

or joining a police officer on calls where a social worker's experience and training could provide help. A 2023 law required POST, by January 1, 2024, to (1) examine these evaluations and any programs and strategies used in Connecticut or other jurisdictions on police officer and social worker collaborations and (2) issue guidance to law enforcement units with recommendations on how police officers may collaborate with social workers.

Under the bill, beginning October 1, 2026, POST's guidance must additionally outline (1) the potential impact of collaboration and (2) when collaboration may be feasible, including when a social worker may respond to an assistance call or accompany a police officer in responding to certain calls.

## **BACKGROUND**

### ***Air Navigation Facility Licensing***

Under existing law, any proposed air navigation facility (for example, airports and heliports) where more than 36 combined aircraft takeoffs and landings are expected in any year must be approved by CAA before the authority licenses it according to specified criteria demonstrating the facility will provide or currently provides for safe aircraft operations.

### ***Larceny***

By law, the punishment for larceny depends on the value of the property taken, generally ranging from a class C misdemeanor (punishable by up to three months in prison, up to a \$500 fine, or both) when the property value is up to \$500, to a class B felony (punishable by up to 20 years in prison, up to a \$15,000 fine, or both) when the property value exceeds \$20,000 (CGS §§ 53a-122 to -125b).

### ***Post-Conviction DNA Testing***

By law, a sentenced defendant can file a petition requesting DNA testing of evidence that is in the possession or control of the Division of Criminal Justice, a law enforcement agency, a laboratory, or the Superior Court. The petitioner must state under penalties of perjury that the testing is related to the underlying investigation or prosecution and that the evidence they want tested contains biological evidence.

The court must notify the prosecutor and hold a hearing. If it finds, among other things, that the evidence still exists and can be tested, the court:

1. must order testing if a reasonable probability exists that the petitioner would not have been prosecuted or convicted if exculpatory results (evidence raising doubt about the defendant's guilt) had been obtained through DNA testing and
2. may order testing if a reasonable probability exists that the testing will produce DNA results that would have altered the verdict or reduced the petitioner's sentence.

**Related Bills**

sSB 236 (File 342), favorably reported by the Judiciary and Transportation committees, has identical provisions on air navigation facilities.

HB 5268 (File 12), favorably reported by the Committee on Children, also authorizes DPH to release to DCF information about an acknowledgement of parentage.

HB 5308 (File 531), favorably reported by the Appropriations and Judiciary committees, has identical provisions on post-conviction DNA testing.

sHB 5564 (File 633), favorably reported by the Judiciary Committee, has a similar provision on victim statements and notification (§ 1).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable  
Yea 37    Nay 0    (03/24/2026)