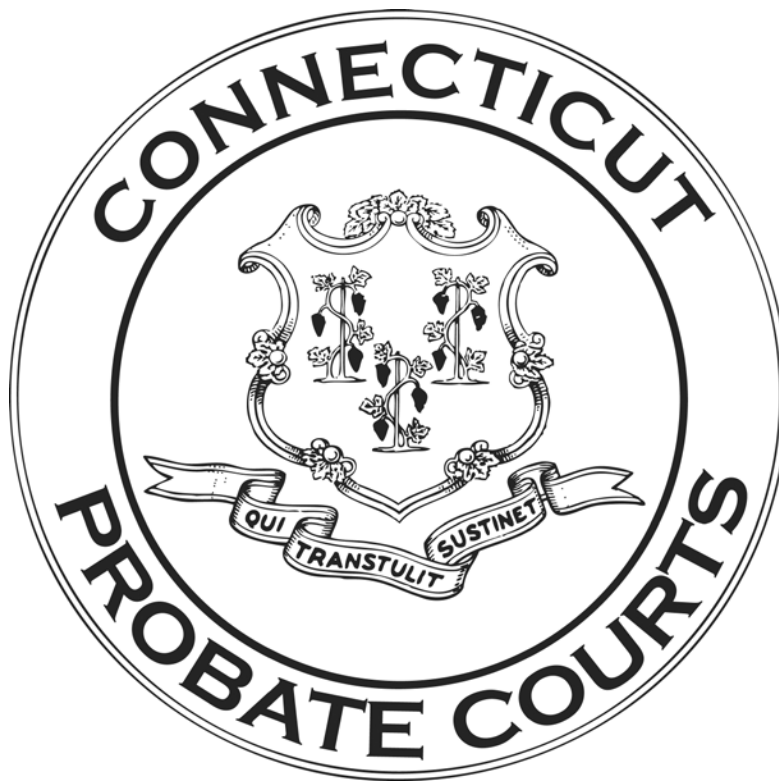


OFFICE OF THE PROBATE COURT ADMINISTRATOR

2013 LEGISLATIVE SUMMARY



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STATE OF CONNECTICUT

PAUL J. KNIERIM
Probate Court Administrator

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

THOMAS E. GAFFEY
Chief Counsel

TEL (860) 231-2442
FAX (860) 231-1055

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

To: All Judges and Court Staff

**From: Paul J. Knierim
Probate Court Administrator**

Re: 2013 Legislative Summary

The Probate Court system achieved a successful legislative session in 2013. Our two bills, both of which were joint proposals of the Probate Assembly and probate administration, were enacted. In addition, our budget request was fully funded, enabling us to implement much deserved raises for court employees and judges. I thank all of you who worked to develop and advocate for our bills.

The material in this packet includes a summary of each bill, together with a copy of the public act. The summaries are not meant to replace the public acts and are offered only to present a general understanding of the legislation. Bracketed text in the public acts indicates deletions, and underlined text indicates additions. Please note the effective dates of each act.

We will present continuing education seminars on the new legislation at the court staff training on October 16th and the Judges Institute on October 23rd.

As always, please feel free to contact us with any questions.

Table of Contents

Public Acts

Page #

Public Act 13-3

An Act Concerning Gun Violence Prevention and Children's Safety.

Summary: 1
Public Act: 10

Special Act 13-11

An Act Establishing a Task Force on Alzheimer's Disease and Dementia

Summary: 2
Public Act: 47

Public Act 13-81

An Act Concerning Probate Court Operations

Summary: 3
Public Act: 50

Public Act 13-199

An Act Concerning Probate Fees

Summary: 5
Public Act: 65

Public Act 13-212

An Act Concerning Access to Jointly Owned Assets that are Located in a Safe Deposit Box

Summary: 5
Public Act: 75

Public Act 13-220

An Act Concerning Revisions to the Gun Violence Prevention and Children's Safety Act

Summary: 6
Public Act: 77

Public Act 13-234

An Act Implementing the Governor's Budget Recommendations for Housing, Human Services and Public Health

Summary: 7
Public Act: 88

Public Act 13-184

An Act Concerning Expenditures and Revenue for the Biennium Ending June 30, 2013

Summary: 7
Public Act: 91

Public Act 13-247

An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2013 Concerning General Government

Summary: 8
Public Act: 92

Public Act 13-301

An Act Concerning the Inheritance Rights of a Child who is Born after the Death of a Married Parent

Summary: 8
Public Act: 96

Public Act 13-3 (SB 1160)

An Act Concerning Gun Violence Prevention and Children's Safety

Effective Date: See individual sections

SUMMARY

This complex act contains several changes to laws that govern the possession, transfer and sale of firearms and addresses a variety of mental health and school safety issues. Relatively few of the act's provisions involve the Probate Courts. Those that do are summarized below.

Assault weapons and large capacity magazines

Sections 23 through 31: The act prospectively prohibits the sale, transfer, and possession of assault weapons and large capacity ammunition magazines. A grandfather provision permits an individual who has legally owned assault weapons or large capacity magazines before May 4, 2013 to retain possession, provided that the owner files the necessary documents with the Department of Emergency Services and Public Protection.

Assault weapons and large capacity magazines may not be sold or transferred to anyone in Connecticut other than a licensed gun dealer. They may, however, be passed to others by bequest or intestate succession. The executor or administrator of the estate must obtain authorization from the Probate Court for the transfer, and the heir or beneficiary must file documentation with the Department of Emergency Services and Public Protection. See **Section 23** (large capacity magazines) and **Section 26** (assault weapons). (Effective April 4, 2013)

Ineligible persons

Sections 34 and 44: Federal law prohibits an individual from purchasing or possessing firearms if he or she has been committed to an institution for treatment of a psychiatric disability or if a court has appointed a conservator for the person in an involuntary proceeding. The act codifies the same prohibitions as state law.

In addition, the act prohibits an individual from possessing a firearm for 60 months following an involuntary commitment and for six months following a voluntary admission to a hospital for treatment of a psychiatric disability.

A person who is ineligible to possess firearms or ammunition must, within two days of the event that triggered the prohibition, sell or transfer the firearms or ammunition to an eligible person or surrender them to the Department of Emergency Services and Public Protection. A person who surrenders a firearm to the Department retains the ability to sell or transfer it within one year of the surrender.

A conservator is obligated to transfer or surrender firearms in the possession of a conserved person and to prevent the conserved person from having access to firearms owned by others.

An ineligible person who fails to transfer or surrender a firearm or ammunition may be guilty of a Class C felony. (Effective October 1, 2013)

Name change

Section 21: Existing law requires that the court notify the Department of Emergency Services and Public Protection when an application for a change of name is filed by a person who is required to register as a sexual offender. The commissioner has standing to object to the requested name change. The act amends C.G.S. section 45a-99 to make the same provisions applicable to individuals who are required to register as offenders convicted of committing a crime with a deadly weapon. (Effective January 1, 2014)

Behavioral Health Task Force

Section 66 creates a task force to study behavioral health services in the state, focusing on services for individuals who are between the ages of 16 and 25. The task force must report its findings and recommendations to the Governor by February 1, 2014.

Judge Robert K. Killian, Jr. is a member of the task force.

DMHAS case management services

Section 68 provides that the Department of Mental Health and Addiction Services (DMHAS) provide case management and coordination services to individuals with mental illness who are involved in Probate Court matters and not otherwise receiving such services. These services include an expansion of Melissa's Project and the creation of a peer bridger program, under which individuals with mental illness provide support to each other. (Effective July 1, 2013)

Special Act 13-11 (HB 5979)

An Act Establishing a Task Force on Alzheimer's Disease and Dementia

Effective date: June 18, 2013

SUMMARY

The act establishes a task force to analyze the care provided to individuals who have Alzheimer's disease and dementia. The task force must submit a report to the legislature by January 1, 2014, describing its findings and recommendations on how to improve treatment and services for individuals with these conditions.

Judge Daniel F. Caruso is a member of the task force.

Public Act 13-81 (SB 984)

An Act Concerning Probate Court Operations

Effective date: October 1, 2013, except that Section 2 is effective July 1, 2013.

SUMMARY

The act is one of two submissions by the Probate Assembly and Probate Court Administration. The following is a section-by-section explanation.

Section 1 replaces references to “practice book” with “rules of procedure” to reflect the name under which the new rules are published.

Section 2 amends C.G.S. section 45a-176 by substituting “financial report” as described in rules 36 and 37 of the new rules of procedure for “statement in lieu of account.” The act also eliminates limitations on which executors and administrators can use the simple form of accounting in decedents’ estates and expands the use of the financial report to trusts, conservatorships and estates of minors.

Section 3 amends C.G.S. section 17a-525 to eliminate the obsolete requirement that a person who appeals a civil commitment give bond for the appeal.

Section 4 makes three changes to C.G.S. section 45a-186, which addresses probate appeals.

First, the act provides that all appeals in conservator proceedings, both voluntary and involuntary are on the record. This resolves an issue arising from a recent Appellate Court ruling that interpreted the statute as providing for record appeals only from the initial appointment of a conservator, but not from other decisions in conservatorship matters.

Second, the act provides that appeals from involuntary medication and electroconvulsive therapy (ECT) matters will also be on the record.

Third, the act prohibits an appellant from naming a judge or court as a defendant in an appeal.

Section 6 amends C.G.S. section 45a-436 (c) to change the deadline by which a surviving spouse must elect a statutory share of the deceased spouse’s estate. Current law requires the spouse to file a written notice of election within 150 days from the date of appointment of the first fiduciary. As a result, the time begins to run even if the court appoints a temporary administrator before admitting a will. This leaves the spouse in the position of having to decide whether to make the election before knowing whether the will, against which the election is made, will even be admitted to probate. The act corrects the problem by requiring that the

election be made within 150 days after the mailing of the decree admitting the will to probate.

Section 7 amends C.G.S. section 45a-484 to increase the threshold amount for terminating a small trust from \$100,000 to \$150,000.

Section 8 amends C.G.S. section 45a-648 to permit a parent or guardian of a minor child to apply for the appointment of an involuntary conservator up to six months before the child turns 18. The court may hold a hearing on the application during the 30 days before the child's 18th birthday and may issue a decree under which the appointment immediately takes effect when the child turns 18. A similar provision already exists for guardians of persons with intellectual disability.

Section 10 clarifies existing law to require application of the rules of evidence to all conservator proceedings.

Section 11: Current law requires the court to schedule a hearing on the appointment of an involuntary conservator at a location that will facilitate the attendance of a respondent who notifies the court that he or she wants to attend. This section requires a similar accommodation for any type of hearing involving an involuntary conservatorship.

Section 12: Existing C.G.S. section 45a-656b requires a conservator appointed in an involuntary proceeding to obtain court approval before selling or disposing of any real property or household furnishings of a conserved person, terminating the person's lease or changing the person's residence. It also requires court approval before a conserved person may be placed in an institution for long-term care. This section extends the same requirements to persons under voluntary representation.

Section 13 amends C.G.S. section 45a-317a to expand the reasons for appointing an estate examiner. The amendment authorizes a court to appoint an estate examiner to obtain information about the decedent's assets to determine whether the estate can be settled as a small estate under C.G.S. section 45a-273.

Section 14 amends C.G.S. section 45a-364, which addresses hearings on disallowed claims in decedents' estates. Under current law, the court may, upon application, hear and decide rejected claims or appoint commissioners to do so. Section 14 permits a judge to refer a rejected claim to a probate magistrate or attorney probate referee and eliminates the role of commissioner.

Section 21 repeals the following obsolete sections:

- C.G.S. sections 45a-190 and 45a-390 through 45a-419, which contain the claims procedures in effect before October 1, 1987.

- C.G.S. section 45a-726a, which provides that the Department of Children and Families or a child-placing agency may consider the sexual orientation of prospective adoptive or foster parents when placing a child.
- C.G.S. section 45a-727b, which includes language that the state does not endorse same-sex marriage.

Sections 5, 9 and 15 through 20 contain technical corrections made by the Legislative Commissioner's Office. The provisions also replace various usages such as "judge of probate" and "court of probate" with "probate judge" and "Probate Court."

Public Act 13-199 (HB 6448)

An Act Concerning Probate Fees

Effective date: January 1, 2014

SUMMARY

The act is the second of two submissions by the Probate Assembly and Probate Court Administration. The following is a section-by-section explanation.

Sections 1, 2 and 3 amend C.G.S. sections 45a-106 through 45a-108 to add a fee of \$250 to file a petition to permit an out-of-state attorney to appear pro hac vice in a Connecticut Probate Court.

Section 2 deletes the fee schedules for decedents' estates that were commenced prior to April 1, 1998.

Section 3 amends C.G.S. section 45a-108, which addresses probate fees for accounts other than those in decedents' estates. This section substitutes the term "fiduciary acquisition value" for "book value" in the calculation of probate fees for accountings. The purpose of this change is to conform the language of the statute with the language used in the Probate Court Rules of Procedure.

Sections 4 through 8: These sections contain technical corrections made by the Legislative Commissioner's Office.

Public Act 13-212 (HB 6680)

An Act Concerning Access to Jointly Owned Assets That Are Located in a Safe Deposit Box

Effective date: October 1, 2013

SUMMARY

The act establishes a two-step procedure for accessing jointly owned assets located in a safe deposit box of a deceased person. The procedure may be used only when the decedent was the sole owner of the safe deposit box and no probate proceedings have been initiated. The assets that may be accessed are limited to jointly owned stocks, bonds, annuities or certificates of deposit.

A person may apply to the Probate Court where the decedent resided, stating why he or she has a sufficient interest in the box to justify an order to open it. The court may approve or deny the application *ex parte*. If the court approves the application, the court will issue an order directing a bank officer to open the box and inventory its contents. The bank officer must then file a return identifying the contents and indicating the owners and beneficiaries of jointly owned stocks, bonds, annuities or certificates of deposit.

When the court receives the return, the judge may authorize the petitioner to remove jointly owned assets from the box *ex parte*. The order must be issued within 10 days, unless the court decides to hold a hearing with notice to interested parties. The hearing must be held within 30 days.

The order will require that the box be opened in the presence of a bank officer, who must file a written return indicating which items were removed and by whom. The bank may charge a reasonable fee to the applicant for performing these duties.

Public Act 13-220 (SB 1094)

An Act Concerning Revisions to the Gun Violence Prevention and Children's Safety Act

Effective date: See individual sections

SUMMARY

This act amends P.A. 13-3, discussed above. Again, only a few of the sections pertain to the Probate Courts.

Sections 1 and 5 amend sections 23 and 26 of P.A. 13-3 to clarify that the exceptions to the law that allow large capacity magazines and assault weapons to pass to a party by bequest or intestate succession include bequests to a trust or transfers from a trust to a beneficiary under the terms of the trust. (*Effective upon passage*)

Section 20 amends C.G.S. section 45a-100, which addresses applications to the Probate Courts from individuals seeking relief from federal firearms disability. Section 20 precludes the court from granting such relief if state law prohibits the petitioner from possessing firearms due to an involuntary commitment, within the

preceding 60 months or a voluntary commitment within the preceding six months.
(Effective October 1, 2013)

Public Act 13-234 (HB 6705)

An Act Implementing the Governor's Budget Recommendations for Housing, Human Services and Public Health

Effective date: both sections effective October 1, 2013

SUMMARY

Section 128 deals with the cost of nursing home care for applicants for Medicaid who are subject to a penalty period resulting from a transfer of assets for less than fair market value. Under this provision, the nursing home has the right to recover the amount owed for the cost of care provided during the penalty period against either the transferor or the transferee of the assets. The amount that a nursing home may recover is generally limited to the value of the assets transferred, but the court may add costs and attorney's fees in certain circumstances. The court may also order that the transferred assets be held in constructive trust for the payment of the debt.

This section does not apply to a conservator who transfers property with the approval of the Probate Court under C.G.S. section 45a-655.

Section 129 is a parallel provision that deals with a Medicaid recipient's applied income, which is the portion of the income that the recipient is required to pay a nursing home for the cost of care. The act permits a nursing home that is owed applied income to recover from the person receiving the care or a person with legal access to the recipient's applied income. In addition to the amount of applied income owed, the court may award costs and attorney's fees.

Public Act 13-184 (HB 6704)

An Act Concerning Expenditures and Revenue for the Biennium Ending June 20, 2015

Effective date: July 1, 2013

SUMMARY

The act establishes the state budget for fiscal years 2014 and 2015.

Section 1 appropriates \$9.35 million in fiscal year 2014 and \$10.75 million in fiscal year 2015 to the Probate Court system from the state's General Fund. The appropriation provides the funding necessary for pay increases for court staff and judges. It also transfers the funding for the Kinship Fund and Grandparents and Relatives Respite Fund from the Children's Trust Fund to the Probate Courts.

Section 89 requires the transfer of \$1 million from the Probate Court Administration Fund to the General Fund for fiscal year 2014.

Public Act 13-247 (HB 6706)

An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2015 Concerning General Government

Effective date: July 1, 2011

SUMMARY

This act is known as the General Government Implementer. Sections affecting the Probate Courts are described below.

Section 1 establishes the amount of General Fund dollars that are appropriated to the Probate Court system and represents no change from the previously adopted budget.

Sections 47 through 50 remove the Kinship and Respite Fund programs from the responsibilities of the Children's Trust Fund. The Department of Social Services retains statutory oversight of the programs.

Section 55 amends C.G.S. section 45a-82 (j) to allow the retention of 15 percent of the Probate Court system budget in the Probate Court Administration Fund rather than transferring the entire fund balance to the General Fund each June 30.

Section 65 requires the Probate Courts to charge applicable processing fees to individuals who pay probate fees by credit card.

Public Act 13-301 (6694)

An Act Concerning the Inheritance Rights of a Child Who is Born after the Death of a Married Parent

Effective Date: October 1, 2013

SUMMARY

Section 1 establishes the inheritance rights of children who are conceived and born after the death of a married parent, provided that the following two criteria are met.

First, the decedent must have executed a written document that grants his or her spouse the authority to use preserved sperm or eggs for the posthumous conception of a child.

Second, the embryo must have been in utero no later than one year after the decedent's date of death.

Under the act, the surviving spouse must give a copy of the document granting authority to use the genetic material to the fiduciary of the decedent's estate or the person filing the affidavit in lieu of administration. The copy must be provided no later than 30 days after the date of death, the appointment of the first fiduciary or the filing of the affidavit, whichever is latest. The fiduciary or person filing the affidavit must notify the court in writing of the existence of the document.

Probate Courts have jurisdiction over any dispute relating to the property rights of a child conceived and born after the death of a parent. Any claims must be proved by clear and convincing evidence.

Section 2 amends C.G.S. section 45a-262 to provide that a child conceived posthumously in accordance with the act shall be considered a descendant, issue, heir, child, etc. in a will or trust instrument, whether executed before, on or after October 1, 2013, unless the instrument indicates otherwise.

Section 3 relieves the fiduciary from personal liability for any distributions made to others before it is determined that a child conceived posthumously is entitled to property. However, the fiduciary will be liable if:

1. The surviving spouse provided the fiduciary with a copy of the document that authorizes use of the sperm or eggs for the purpose of conceiving a child;
2. The fiduciary knew at the time of the distributions that the decedent had preserved sperm or eggs and executed a document described in section 1 of the act; or
3. No later than 150 days after the appointment of the first fiduciary, a person acting on behalf of the child notifies the fiduciary in writing that a child meeting the requirements of the act has been or may be conceived.

Section 4 permits a posthumously conceived child to bring an action in Superior Court against other heirs or beneficiaries to recover his or her share of previously distributed assets. Beneficiaries will be liable only to the extent of the value of property distributed to them and only if the assets in the hands of the fiduciary are insufficient to satisfy the child's claim.

Section 5 establishes the maximum liability of each beneficiary for the claim of a posthumously conceived child as the beneficiary's ratable obligation based on the proportion that the value of the assets the beneficiary received bears to the total value of the assets passing to all beneficiaries.

Sections 6 through 8 make technical changes to existing statutes.



Senate Bill No. 1160

Public Act No. 13-3

AN ACT CONCERNING GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY.

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

Section 1. Section 29-37a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section, "long gun" means a firearm, as defined in section 53a-3, other than a pistol or revolver.

(b) (1) Except as provided in subdivision (2) of this subsection, no person, firm or corporation may sell, deliver or otherwise transfer, at retail, any long gun to any person under eighteen years of age.

(2) No person, firm or corporation may sell, deliver or otherwise transfer, at retail, any semi-automatic centerfire rifle that has or accepts a magazine with a capacity exceeding five rounds to any person under twenty-one years of age. The provisions of this subdivision shall not apply to the sale, delivery or transfer of such a rifle to any person who is a member or employee of an organized local police department, the Department of Emergency Services and Public Protection or the Department of Correction or a member of the military or naval forces of this state or of the United States for use in the discharge of their duties.

(c) On and after April 1, 2014, no person may purchase or receive any long gun unless such person holds a valid long gun eligibility certificate issued pursuant to section 2 of this act, a valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by this act, a valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, as amended by this act, or is a federal marshal, parole officer or peace officer.

~~[(a)]~~ (d) No person, firm or corporation may ~~[deliver, at retail,]~~ sell, deliver or otherwise transfer, at retail, any ~~[firearm, as defined in section 53a-3, other than a pistol or revolver,]~~ long gun to any person unless such person makes application on a form prescribed and furnished by the Commissioner of Emergency Services and Public Protection, which shall be filed and retained by the transferor for at least twenty years or, if the transferor is a federally licensed firearm dealer, attached by the ~~[vendor]~~ transferor to the federal sale or transfer document and filed and retained by the ~~[vendor]~~ transferor for at least twenty years or until such ~~[vendor]~~ transferor goes out of business. Such application shall be available for inspection during normal business hours by law enforcement officials. ~~[No sale or delivery of any firearm shall be made until the expiration of two weeks from the date of the application, and]~~ No such sale, delivery or other transfer of any long gun shall be made until the person, firm or corporation making such sale, delivery or transfer has ~~[insured]~~ ensured that such application has been completed properly and has obtained an authorization number from the Commissioner of Emergency Services and Public Protection for such sale, delivery or transfer. The Department of Emergency Services and Public Protection shall make every effort, including performing the national instant criminal background check, to determine if the applicant is eligible to receive such ~~[firearm]~~ long gun. If it is determined that the applicant is ineligible to receive such ~~[firearm]~~ long gun, the Commissioner of Emergency Services and Public Protection shall immediately notify the person, firm or corporation to whom such application was made and no such ~~[firearm]~~ long gun shall be sold, ~~[or]~~ delivered or otherwise transferred to such applicant by such person, firm or corporation. When any ~~[firearm]~~ long gun is delivered in connection with ~~[the]~~ any sale or purchase, such ~~[firearm]~~ long gun shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no such ~~[firearm]~~ long gun when delivered on any sale or purchase shall be loaded or contain any gunpowder or other explosive or any bullet, ball or shell.

~~[(b)]~~ Upon the sale, delivery or other transfer of the ~~[firearm]~~ long gun, the ~~[purchaser]~~ transferee shall sign in triplicate a receipt for such ~~[firearm]~~ long gun, which shall contain the name, ~~[and]~~ address and date and place of birth of such ~~[purchaser]~~ transferee, the date of such sale, delivery or transfer and the caliber, make, model and manufacturer's number and a general description thereof. Not later than twenty-four hours after such sale, delivery or transfer, the ~~[vendor]~~ transferor shall send by first class mail or electronically transfer one receipt to the Commissioner of Emergency Services and Public Protection and one receipt to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the ~~[purchaser]~~ transferee resides, and shall retain one receipt, together with the original application, for at least five years. ~~[The]~~

(e) No sale, delivery or other transfer of any long gun shall be made by a person who is not a federally-licensed firearm manufacturer, importer or dealer to a

person who is not a federally-licensed firearm manufacturer, importer or dealer unless:

(1) The prospective transferor and prospective transferee comply with the provisions of subsection (d) of this section and the prospective transferor has obtained an authorization number from the Commissioner of Emergency Services and Public Protection for such sale, delivery or transfer; or

(2) A national instant criminal background check has been initiated by a federally-licensed firearm dealer who has consented to initiate such check at the request of the prospective transferor or prospective transferee in accordance with subsection (f) of this section and the response received by the federally-licensed firearm dealer indicates the prospective transferee is eligible to receive such long gun.

(f) (1) On and after January 1, 2014, for purposes of a transfer pursuant to subdivision (2) of subsection (e) of this section, a prospective transferor or prospective transferee may request a federally-licensed firearm dealer to initiate a national instant criminal background check of the prospective transferee. If a federally-licensed firearm dealer consents to initiate a national instant criminal background check, the prospective transferor or prospective transferee shall provide to such dealer the name, sex, race, date of birth and state of residence of the prospective transferee and, if necessary to verify the identity of the prospective transferee, may provide a unique numeric identifier including, but not limited to, a Social Security number, and additional identifiers including, but not limited to, height, weight, eye and hair color, and place of birth. The prospective transferee shall present to the dealer such prospective transferee's valid long gun eligibility certificate issued pursuant to section 2 of this act, valid permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28, as amended by this act, valid permit to sell at retail a pistol or revolver issued pursuant to subsection (a) of section 29-28 or valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f, as amended by this act. The dealer may charge a fee not to exceed twenty dollars for initiating such background check.

(2) Notwithstanding the provisions of subsections (d) and (f) of section 29-36f, the dealer shall initiate a background check of such prospective transferee by contacting the national instant criminal background check system operations center for purposes of conducting such background check. Upon receiving a response from the operations center of the results of such check, the dealer shall immediately notify the prospective transferor or prospective transferee of such response. If the response indicates the prospective transferee is ineligible to receive such long gun, no long gun shall be sold, delivered or otherwise transferred by the prospective transferor to the prospective transferee. If the response indicates the prospective transferee is eligible to receive such long gun, the prospective transferor may proceed to sell, deliver or otherwise transfer the long gun to the prospective transferee.

(3) Upon the sale, delivery or other transfer of the long gun, the transferor or transferee shall complete a form, prescribed by the Commissioner of Emergency Services and Public Protection, that contains the name and address of the transferor, the name and address of the transferee, the date and place of birth of such transferee, the firearm permit or certificate number of the transferee, the firearm permit or certificate number of the transferor, if any, the date of such sale, delivery or transfer, the caliber, make, model and manufacturer's number and a general description of such long gun and the transaction number assigned by the national instant criminal background check system to the background check request. Not later than twenty-four hours after such sale, delivery or transfer, the transferor shall send by first class mail or electronically transfer one copy of such form to the Commissioner of Emergency Services and Public Protection and one copy to the chief of police or, where there is no chief of police, the warden of the borough or the first selectman, of the town in which the transferee resides, and shall retain one copy, for at least five years.

(g) Prior to April 1, 2014, no sale, delivery or other transfer of any long gun shall be made until the expiration of two weeks from the date of the application, except that such waiting period [specified in subsection (a) of this section during which delivery may not be made and the provisions of this subsection] shall not apply to any federal marshal, parole officer or peace officer, or to the [delivery at retail sale, delivery or other transfer] of (1) any [firearm] long gun to a holder of a valid state permit to carry a pistol or revolver issued under the provisions of section 29-28, as amended by this act, [or] a valid eligibility certificate issued under the provisions of section 29-36f, as amended by this act, or a valid long gun eligibility certificate issued under the provisions of section 2 of this act, (2) any [firearm] long gun to an active member of the armed forces of the United States or of any reserve component thereof, (3) any [firearm] long gun to a holder of a valid hunting license issued pursuant to chapter 490, or (4) antique firearms. For the purposes of this [section] subsection, "antique firearm" means any firearm which was manufactured in or before 1898 and any replica of such firearm, provided such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition except rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and not readily available in the ordinary channel of commercial trade.

(h) The provisions of this section shall not apply to the sale, delivery or transfer of long guns between (1) a federally-licensed firearm manufacturer and a federally-licensed firearm dealer, (2) a federally-licensed firearm importer and a federally-licensed firearm dealer, or (3) federally-licensed firearm dealers.

(i) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution. The court shall not order

suspension of prosecution unless the accused person has acknowledged that he understands the consequences of the suspension of prosecution. Any person for whom prosecution is suspended shall agree to the tolling of any statute of limitations with respect to such violation and to a waiver of his right to a speedy trial. Such person shall appear in court and shall be released to the custody of the Court Support Services Division for such period, not exceeding two years, and under such conditions as the court shall order. If the person refuses to accept, or, having accepted, violates such conditions, the court shall terminate the suspension of prosecution and the case shall be brought to trial. If such person satisfactorily completes his period of probation, he may apply for dismissal of the charges against him and the court, on finding such satisfactory completion, shall dismiss such charges. If the person does not apply for dismissal of the charges against him after satisfactorily completing his period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the person satisfactorily completed his period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a person who has completed his period of probation or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

(j) Any person who violates any provision of this section shall be guilty of a class D felony, except that any person who sells, delivers or otherwise transfers a long gun in violation of the provisions of this section, knowing that such long gun is stolen or that the manufacturer's number or other mark of identification on such long gun has been altered, removed or obliterated, shall be guilty of a class B felony, and any long gun found in the possession of any person in violation of any provision of this section shall be forfeited.

Sec. 2. (NEW) (*Effective July 1, 2013*) (a) Any person who is eighteen years of age or older may apply to the Commissioner of Emergency Services and Public Protection for a long gun eligibility certificate.

(b) The Commissioner of Emergency Services and Public Protection shall issue a long gun eligibility certificate unless said commissioner finds that the applicant:

- (1) Has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of firearms including, but not limited to, a safety or training course in the use of firearms available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of firearms conducted by an instructor certified by the state or the National Rifle Association;
- (2) has been convicted of (A) a felony, or (B) a violation of subsection (c) of section 21a-279 of the general statutes or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96,

53a-175, 53a-176, 53a-178 or 53a-181d of the general statutes; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120 of the general statutes; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13 of the general statutes; (5) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, within the preceding sixty months by order of a probate court; (6) has been voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680 of the general statutes; (7) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; (8) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c of the general statutes, as amended by this act, after notice and hearing; (9) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or unlawfully in the United States.

Sec. 8. Section 29-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Emergency Services and Public Protection, in fulfilling his obligations under sections 29-28 to 29-38, inclusive, as amended by this act, sections 2 to 5, inclusive, of this act and section 53-202d, as amended by this act, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon, or who, on or after July 1, 2013, applies for or seeks renewal of a long gun eligibility certificate, has not been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding ~~twelve~~ sixty months by order of a probate court or has not been voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, by making an inquiry to the Department of Mental Health and Addiction Services in such a manner so as to only receive a report on the commitment or admission status of the person with respect to whom the inquiry is made including identifying information in accordance with the provisions of subsection (b) of section 17a-500, as amended by this act.

(b) If the Commissioner of Emergency Services and Public Protection determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495,

within the preceding ~~[twelve]~~ sixty months by order of a probate court or has been voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, said commissioner shall report the status of such person's application for or renewal of a permit to sell at retail a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, ~~[or]~~ a certificate of possession for an assault weapon or a long gun eligibility certificate to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500, as amended by this act.

Sec. 10. (NEW) (*Effective October 1, 2013*) Whenever a person is voluntarily admitted to a hospital for persons with psychiatric disabilities, as defined in section 17a-495 of the general statutes, for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680 of the general statutes, the hospital shall forthwith notify the Commissioner of Mental Health and Addiction Services of such admission and provide identifying information including, but not limited to, name, address, sex, date of birth and the date of admission. The commissioner shall maintain such identifying information on all such admissions occurring on and after the effective date of this section.

Sec. 11. Section 17a-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Each court of probate shall keep a record of the cases relating to persons with psychiatric disabilities coming before it under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and the disposition of them. It shall also keep on file the original application and certificate of physicians required by said sections, or a microfilm duplicate of such records in accordance with regulations issued by the Probate Court Administrator. All records maintained in the courts of probate under the provisions of said sections shall be sealed and available only to the respondent or his or her counsel unless the Court of Probate, after hearing held with notice to the respondent, determines such records should be disclosed for cause shown.

(b) ~~[Notwithstanding the provisions of subsection (a) of this section, the]~~ The Commissioner of Mental Health and Addiction Services shall, notwithstanding the provisions of subsection (a) of this section, maintain information, in accordance with section 17a-499, ~~[shall maintain information]~~ on commitment orders by a probate court, and shall maintain information, in accordance with section 10 of this act, on voluntary admissions, and shall provide such information to the Commissioner of Emergency Services and Public Protection in fulfillment of his

obligations under sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#), in such a manner as to report identifying information on the commitment [or voluntary admission](#) status, including, but not limited to, name, address, sex, date of birth and date of commitment [or admission](#), for a person who applies for or holds a permit or certificate under said sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#). The Commissioner of Emergency Services and Public Protection shall maintain as confidential any such information provided to him and shall use such information only for purposes of fulfilling his obligations under sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#), except that nothing in this section shall prohibit said commissioner from entering such information into evidence at a hearing held in accordance with section 29-32b, [as amended by this act](#).

(c) (1) The Commissioner of Mental Health and Addiction Services shall obtain from the Commissioner of Emergency Services and Public Protection the status of any firearm application, permit or certificate under sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#), of each person who is the subject of an order of commitment ~~[pursuant to]~~ [as provided in section 17a-499 or is the subject of a voluntary admission as provided in section 10 of this act](#), in such a manner so as to only receive a report on the firearm application, permit or certificate status of the person with respect to whom the inquiry is made.

(2) The Commissioner of Mental Health and Addiction Services shall report to the Commissioner of Emergency Services and Public Protection any commitment [or voluntary admission](#) status and identifying information for any person who is an applicant for or holder of any permit or certificate under said sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#).

(3) The Commissioner of Mental Health and Addiction Services shall advise the hospital for psychiatric disabilities to which a person has been committed [or voluntarily admitted](#) of the status of a firearm application, permit or certificate of such person under sections 29-28 to 29-38, inclusive, [as amended by this act, sections 2 to 5, inclusive, of this act](#) and section 53-202d, [as amended by this act](#), as reported by the Commissioner of Emergency Services and Public Protection for consideration by such hospital in any psychiatric treatment procedures.

(4) The Commissioner of Mental Health and Addiction Services and a hospital for psychiatric disabilities shall maintain as confidential any information provided to said commissioner or such hospital concerning the status of a firearm application, permit or certificate under sections 29-28 to 29-38, inclusive, [as](#)

amended by this act, sections 2 to 5, inclusive, of this act and section 53-202d, as amended by this act, of any person.

Sec. 12. Subsection (a) of section 53-202g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person who lawfully possesses an assault weapon under sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and subsection (h) of section 53a-46a] or a firearm, as defined in section 53a-3, that is lost or stolen from such person shall report the loss or theft to the organized local police department for the town in which the loss or theft occurred or, if such town does not have an organized local police department, to the state police troop having jurisdiction for such town within seventy-two hours of when such person discovered or should have discovered the loss or theft. Such department or troop shall forthwith forward a copy of such report to the Commissioner of Emergency Services and Public Protection. The provisions of this subsection shall not apply to the loss or theft of an antique firearm as defined in [subsection (b) of] section 29-37a, as amended by this act.

Sec. 18. (NEW) (*Effective January 1, 2014*) (a) For the purposes of this section and sections 19 and 20 of this act, and sections 45a-99 and 52-11 of the general statutes, as amended by this act:

(1) "Commissioner" means the Commissioner of Emergency Services and Public Protection;

(2) "Convicted" means that a person has a judgment entered in this state against such person by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court notwithstanding any pending appeal or habeas corpus proceeding arising from such judgment;

(3) "Deadly weapon" means a deadly weapon, as defined in section 53a-3 of the general statutes;

(4) "Department" means the Department of Emergency Services and Public Protection;

(5) "Identifying factors" means fingerprints, a photographic image, and a description of any other identifying characteristics as may be required by the Commissioner of Emergency Services and Public Protection;

(6) "Not guilty by reason of mental disease or defect" means a finding by a court or jury of not guilty by reason of mental disease or defect pursuant to section 53a-13 of the general statutes notwithstanding any pending appeal or habeas corpus proceeding arising from such finding;

(7) "Offender convicted of committing a crime with a deadly weapon" or "offender" means a person who has been convicted of an offense committed with a deadly weapon;

(8) "Offense committed with a deadly weapon" or "offense" means: (A) A violation of subsection (c) of section 2-1e, subsection (e) of section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33, as amended by this act, section 29-34, as amended by this act, subsection (a) of section 29-35, section 29-36, as amended by this act, 29-36k, as amended by this act, 29-37a, as amended by this act, or 29-37e, subsection (c) of section 29-37g, section 29-37j, as amended by this act, subsection (b), (c) or (g) of section 53-202, section 53-202b, as amended by this act, 53-202c, as amended by this act, 53-202j, 53-202k, 53-202l, as amended by this act, 53-202aa, as amended by this act, or 53-206b, subsection (b) of section 53a-8, section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a, 53a-102a, 53a-103a, 53a-211, 53a-212, as amended by this act, 53a-216, 53a-217, as amended by this act, 53a-217a, as amended by this act, 53a-217b or 53a-217c, as amended by this act, or a second or subsequent violation of section 53-202g of the general statutes, as amended by this act; or (B) a violation of any section of the general statutes which constitutes a felony, as defined in section 53a-25 of the general statutes, provided the court makes a finding that, at the time of the offense, the offender used a deadly weapon, or was armed with and threatened the use of or displayed or represented by words or conduct that the offender possessed a deadly weapon;

(9) "Registrant" means a person required to register under section 19 of this act;

(10) "Registry" means a central record system in this state that is established pursuant to this section and receives, maintains and disseminates to law enforcement agencies information on persons convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon; and

(11) "Release into the community" means, with respect to a conviction or a finding of not guilty by reason of mental disease or defect of an offense committed with a deadly weapon, (A) any release by a court after such conviction or finding of not guilty by reason of mental disease or defect, a sentence of probation or any other sentence under section 53a-28 of the general statutes that does not result in the offender's immediate placement in the custody of the Commissioner of Correction; (B) release from a correctional facility at the discretion of the Board of Pardons and Paroles, by the Department of Correction to a program authorized by section 18-100c of the general statutes or upon completion of the maximum term or terms of the offender's sentence or sentences, or to the supervision of the Court Support Services Division in accordance with the terms of the offender's sentence; or (C) temporary leave to an approved residence by the Psychiatric Security Review Board pursuant to section 17a-587 of the general statutes, conditional release from a hospital for

mental illness or a facility for persons with intellectual disability by the Psychiatric Security Review Board pursuant to section 17a-588 of the general statutes, or release upon termination of commitment to the Psychiatric Security Review Board.

(b) The Department of Emergency Services and Public Protection shall, not later than January 1, 2014, establish and maintain a registry of all persons required to register under section 19 of this act as offenders convicted of an offense committed with a deadly weapon. The department shall, in cooperation with the Office of the Chief Court Administrator, the Department of Correction and the Psychiatric Security Review Board, develop appropriate forms for use by agencies and individuals to report registration information, including changes of address. Upon receipt of registration information, the department shall enter the information into the registry and notify the local police department or state police troop having jurisdiction where the registrant resides or plans to reside. Upon receiving notification pursuant to section 19 of this act that a registrant has changed his or her address, the department shall enter the information into the registry and notify the local police departments or state police troops having jurisdiction where the registrant previously resided and the jurisdiction where the registrant has relocated. The Commissioner of Emergency Services and Public Protection shall also ensure that the name and residence address of each registrant is available through the Connecticut on-line law enforcement communication teleprocessing system maintained by the department. If a registrant reports a residence in another state, the department may notify the state police agency of that state or such other agency in that state that maintains registry information, if known.

(c) The Department of Emergency Services and Public Protection may suspend the registration of any person registered under section 19 of this act while such person is incarcerated, under civil commitment or residing outside this state. During the period that such registration is under suspension, the department may withdraw the registration information from access to law enforcement agencies. Upon the release of the registrant from incarceration or civil commitment or resumption of residency in this state by the registrant, the department shall reinstate the registration and redistribute the registration information in accordance with subsection (b) of this section. Suspension of registration shall not affect the date of expiration of the registration obligation of the registrant under section 19 of this act.

(d) The Department of Emergency Services and Public Protection shall include in the registry the most recent photographic image of each registrant taken by the department, the Department of Correction, a law enforcement agency or the Court Support Services Division of the Judicial Department.

(e) Whenever the Commissioner of Emergency Services and Public Protection receives notice from a superior court pursuant to section 52-11 of the general

statutes, as amended by this act, or a probate court pursuant to section 45a-99 of the general statutes, as amended by this act, that such court has ordered the change of name of a person, and the department determines that such person is listed in the registry, the department shall revise such person's registration information accordingly.

(f) The Commissioner of Emergency Services and Public Protection shall develop a protocol for the notification of other state agencies, the Judicial Department and local police departments whenever a person listed in the registry changes such person's name and notifies the commissioner of the new name pursuant to section 19 of this act or whenever the commissioner determines pursuant to subsection (e) of this section that a person listed in the registry has changed such person's name.

(g) The information in the registry shall not be a public record or file for the purposes of section 1-200 of the general statutes. Any information disclosed pursuant to this section or section 19 or 20 of this act, shall not be further disclosed unless such disclosure is permitted under this section or section 19 or 20 of this act.

Sec. 19. (NEW) (*Effective January 1, 2014*) (a) (1) Any person who has been convicted or found not guilty by reason of mental disease or defect of an offense committed with a deadly weapon and is released into the community on or after January 1, 2014, shall, within fourteen calendar days following such release or, if such person is in the custody of the Commissioner of Correction, at such time prior to release as the Commissioner of Correction shall direct, and whether or not such person's place of residence is in this state, register such person's name, identifying factors, criminal history record, residence address and electronic mail address with the Commissioner of Emergency Services and Public Protection, on such forms and in such locations as the Commissioner of Emergency Services and Public Protection shall direct, and shall maintain such registration for five years.

(2) Prior to accepting a plea of guilty or nolo contendere from a person with respect to an offense committed with a deadly weapon, the court shall (A) inform the person that the entry of a finding of guilty after acceptance of the plea will subject the person to the registration requirements of this section, and (B) determine that the person fully understands the consequences of the plea.

(3) If any person who is subject to registration under this section changes such person's name, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new name. If any person who is subject to registration under this section changes such person's address, such person shall, without undue delay, notify the Commissioner of Emergency Services and Public Protection in writing of the new address. During such period of registration, each registrant shall complete and return any forms

mailed to such registrant to verify such registrant's residence address and shall submit to the retaking of a photographic image upon request of the Commissioner of Emergency Services and Public Protection.

(b) Any offender convicted of committing a crime with a deadly weapon who is required to register under this section shall, not later than twenty calendar days after each anniversary date of such initial registration, until the date such registration requirement expires under subdivision (1) of subsection (a) of this section, personally appear at the local police department or state police troop having jurisdiction where the registrant resides to verify and update, as appropriate, the contents of his or her registration. The local police department or state police troop, as the case may be, may defer such requirement to personally appear to a later date for good cause shown. Not later than thirty calendar days prior to such anniversary date, the Department of Emergency Services and Public Protection shall mail written notice of the personal appearance requirement of this subsection to the registrant and the local police department or state police troop having jurisdiction where the registrant resides. Not later than thirty calendar days after the anniversary date of each registrant, the local police department or state police troop having jurisdiction where the registrant resides shall notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, (1) whether the registrant complied with the personal appearance requirement of this subsection or whether such personal appearance requirement was deferred to a later date for good cause shown, and (2) if the personal appearance requirement was deferred to a later date for good cause shown, the local police department or state police troop shall indicate the later date established for such personal appearance and describe the good cause shown.

(c) Any person who is subject to registration under this section who violates any provisions of subsection (a) or (b) of this section, except a violation consisting of failure to notify the Commissioner of Emergency Services and Public Protection of a change of name or address, shall be guilty of a class D felony. Any person who is subject to registration under this section who fails to notify the Commissioner of Emergency Services and Public Protection of a change of name or address not later than five business days after such change of name or address shall be guilty of a class D felony.

Sec. 20. (NEW) (*Effective January 1, 2014*) (a) The registration information for each registrant shall include:

- (1) The offender's name, including any other name by which the offender has been legally known, and any aliases used by the offender;
- (2) Identifying information, including a physical description of the offender;
- (3) The current residence address of the offender;

(4) The date of conviction of the offense;

(5) A description of the offense; and

(6) If the offender was sentenced to a term of incarceration for such offense, a portion of which was not suspended, the date the offender was released from such incarceration.

(b) The offender shall sign and date the registration.

(c) At the time that the offender appears for the purpose of registering, the Department of Emergency Services and Public Protection shall photograph the offender and arrange for the fingerprinting of the offender and include such photograph and a complete set of fingerprints in the registry. If the offender is required to submit to the taking of a blood or other biological sample of sufficient quality for DNA (deoxyribonucleic acid) analysis pursuant to section 54-102g of the general statutes, and has not submitted to the taking of such sample, the commissioner shall also require such sample to be taken for analysis pursuant to section 54-102g of the general statutes.

(d) The Department of Emergency Services and Public Protection may require the offender to provide documentation to verify the contents of his or her registration.

Sec. 21. Section 45a-99 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(a) The courts of probate shall have concurrent jurisdiction with the Superior Court, as provided in section 52-11, [as amended by this act](#), to grant a change of name, except a change of name granted in accordance with subsection (a) of section 46b-63, except that no court of probate may issue an order or otherwise allow for the change of name of a person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender [or as an offender convicted of committing a crime with a deadly weapon](#) unless such person complies with the requirements of subdivision (1) of subsection (b) of this section.

(b) (1) Any person who is required to register with the Commissioner of Emergency Services and Public Protection as a sexual offender [or as an offender convicted of committing a crime with a deadly weapon](#) who files an application with the Court of Probate for a change of name shall (A) prior to filing such application, notify the Commissioner of Emergency Services and Public Protection, on such form as the commissioner may prescribe, that the person intends to file an application for a change of name, indicating the change of name sought, and (B) include with such application a sworn statement that such change of name is not being sought for the purpose of avoiding the legal

consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires such person to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon.

(2) The Commissioner of Emergency Services and Public Protection shall have standing to challenge such person's application for a change of name in the court of probate where such change of name is sought. The commissioner shall challenge the change of name through the Attorney General. The court of probate may deny such person's application for a change of name if the court finds, by a preponderance of the evidence, that the person is applying for such change of name for the purpose of avoiding the legal consequences of a criminal conviction.

(c) Whenever the court, pursuant to this section, orders a change of name of a person, the court shall notify the Commissioner of Emergency Services and Public Protection of the issuance of such order if the court finds that such person is listed in the registry established and maintained pursuant to section 54-257 or in the registry established and maintained pursuant to section 18 of this act.

Sec. 23. (NEW) (*Effective from passage*) (a) As used in this section and section 24 of this act:

(1) "Large capacity magazine" means any firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition, but does not include: (A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition, (B) a . 22 caliber tube ammunition feeding device, (C) a tubular magazine that is contained in a lever-action firearm, or (D) a magazine that is permanently inoperable;

(2) "Lawfully possesses", with respect to a large capacity magazine, means that a person has (A) actual and lawful possession of the large capacity magazine, or (B) constructive possession of the large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity magazine that was transacted prior to the effective date of this section, regardless of whether the firearm was delivered to the purchaser prior to the effective date of this section; and

(3) "Licensed gun dealer" means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28 of the general statutes.

(b) Except as provided in this section, on and after the effective date of this section, any person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes for sale, or purchases a large capacity magazine shall be guilty of a class D felony. On and after the effective date of this section, any person who, within this state, transfers a large capacity

magazine, except as provided in subsection (f) of this section, shall be guilty of a class D felony.

(c) Except as provided in this section and section 24 of this act: (1) Any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained prior to the effective date of this section shall commit an infraction and be fined not more than ninety dollars for a first offense and shall be guilty of a class D felony for any subsequent offense, and (2) any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained on or after the effective date of this section shall be guilty of a class D felony.

(d) A large capacity magazine may be possessed, purchased or imported by:

(1) Members or employees of the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties or when off duty;

(2) Employees of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility; or

(3) Any person, firm or corporation engaged in the business of manufacturing large capacity magazines in this state that manufactures or transports large capacity magazines in this state for sale within this state to persons specified in subdivision (1) or (2) of this subsection or for sale outside this state.

(e) A large capacity magazine may be possessed by:

(1) A licensed gun dealer;

(2) A gunsmith who is in a licensed gun dealer's employ, who possesses such large capacity magazine for the purpose of servicing or repairing a lawfully possessed large capacity magazine;

(3) Any person who has declared possession of the magazine pursuant to section 24 of this act; or

(4) Any person who is the executor or administrator of an estate that includes a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by this section and section 24 of this act.

(f) Subsection (b) of this section shall not prohibit:

(1) The transfer by bequest or intestate succession of a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of this act;

(2) The transfer of a large capacity magazine to a police department or the Department of Emergency Services and Public Protection; or

(3) The transfer of a large capacity magazine to a licensed gun dealer in accordance with section 24 of this act.

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29-33 of the general statutes, as amended by this act.

Sec. 24. (NEW) (*Effective from passage*) (a) Any person who lawfully possesses a large capacity magazine prior to January 1, 2014, shall apply by January 1, 2014, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by January 1, 2014, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state to the Department of Emergency Services and Public Protection to declare possession of such magazine. Such application shall be made on such form or in such manner as the Commissioner of Emergency Services and Public Protection prescribes.

(b) In addition to the application form prescribed under subsection (a) of this section, the department shall design or amend the application forms for a certificate of possession for an assault weapon under section 53-202d of the general statutes, as amended by this act, or for a permit to carry a pistol or revolver under section 29-28a of the general statutes, a long gun eligibility certificate under section 2 of this act, an eligibility certificate for a pistol or revolver under section 29-36f of the general statutes, as amended by this act, or any renewal of such permit or certificate to permit an applicant to declare possession of a large capacity magazine pursuant to this section upon the same application.

(c) The department may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to establish procedures with respect to applications under this section. Notwithstanding the provisions of sections 1-210 and 1-211 of the general statutes, the name and address of a person who has declared possession of a large capacity magazine shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies and employees of the United States Probation Office acting in the

performance of their duties, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500 of the general statutes, as amended by this act.

(d) Any person who moves into the state in lawful possession of a large capacity magazine shall, within ninety days, either render the large capacity magazine permanently inoperable, sell the large capacity magazine to a licensed gun dealer or remove the large capacity magazine from this state, except that any person who is a member of the military or naval forces of this state or of the United States, is in lawful possession of a large capacity magazine and has been transferred into the state after January 1, 2014, may, within ninety days of arriving in the state, apply to the Department of Emergency Services and Public Protection to declare possession of such large capacity magazine.

(e) (1) If an owner of a large capacity magazine transfers the large capacity magazine to a licensed gun dealer, such dealer shall, at the time of delivery of the large capacity magazine, execute a certificate of transfer. For any transfer prior to January 1, 2014, the dealer shall provide to the Commissioner of Emergency Services and Public Protection monthly reports, on such form as the commissioner prescribes, regarding the number of transfers that the dealer has accepted. For any transfer on or after January 1, 2014, the dealer shall cause the certificate of transfer to be mailed or delivered to the Commissioner of Emergency Services and Public Protection. The certificate of transfer shall contain: (A) The date of sale or transfer; (B) the name and address of the seller or transferor and the licensed gun dealer, and their Social Security numbers or motor vehicle operator license numbers, if applicable; (C) the licensed gun dealer's federal firearms license number; and (D) a description of the large capacity magazine.

(2) The licensed gun dealer shall present such dealer's federal firearms license and seller's permit to the seller or transferor for inspection at the time of purchase or transfer.

(3) The Commissioner of Emergency Services and Public Protection shall maintain a file of all certificates of transfer at the commissioner's central office.

(f) Any person who declared possession of a large capacity magazine under this section may possess the large capacity magazine only under the following conditions:

(1) At that person's residence;

(2) At that person's place of business or other property owned by that person, provided such large capacity magazine contains not more than ten bullets;

- (3) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;
- (4) While on a target range which holds a regulatory or business license for the purpose of practicing shooting at that target range;
- (5) While on the premises of a licensed shooting club;
- (6) While transporting the large capacity magazine between any of the places set forth in this subsection, or to any licensed gun dealer, provided (A) such large capacity magazine contains not more than ten bullets, and (B) the large capacity magazine is transported in the manner required for an assault weapon under subdivision (2) of subsection (a) of section 53-202f of the general statutes, as amended by this act; or
- (7) Pursuant to a valid permit to carry a pistol or revolver, provided such large capacity magazine (A) is within a pistol or revolver that was lawfully possessed by the person prior to the effective date of this section, (B) does not extend beyond the bottom of the pistol grip, and (C) contains not more than ten bullets.
- (g) Any person who violates the provisions of subsection (f) of this section shall be guilty of a class C misdemeanor.

Sec. 25. Section 53-202a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a)] As used in this section and sections 53-202b to 53-202k, inclusive: **[**,
"assault weapon" means:]

(1) **[Any]** "Assault weapon" means:

(A) (i) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7;

Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

[(2)] (ii) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in [subparagraph \(A\)\(i\) of this subdivision](#), [(1) of this subsection,] or any combination of parts from which an assault weapon, as defined in [subparagraph \(A\)\(i\) of this subdivision](#), [(1) of this subsection,] may be rapidly assembled if those parts are in the possession or under the control of the same person;

(B) [Any of the following specified semiautomatic centerfire rifles, or copies or duplicates thereof with the capability of any such rifles, that were in production prior to or on the effective date of this section: \(i\) AK-47; \(ii\) AK-74; \(iii\) AKM; \(iv\) AKS-74U; \(v\) ARM; \(vi\) MAADI AK47; \(vii\) MAK90; \(viii\) MISR; \(ix\) NHM90 and NHM91; \(x\) Norinco 56, 56S, 84S and 86S; \(xi\) Poly Technologies AKS and AK47; \(xii\) SA 85; \(xiii\) SA 93; \(xiv\) VEPR; \(xv\) WASR-10; \(xvi\) WUM; \(xvii\) Rock River Arms LAR-47; \(xviii\) Vector Arms AK-47; \(xix\) AR-10; \(xx\) AR-15; \(xxi\) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE Rifles; \(xxii\) Colt Match Target Rifles; \(xxiii\) Armalite M15; \(xxiv\) Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; \(xxv\) DPMS Tactical Rifles; \(xxvi\) Smith and Wesson M&P15 Rifles; \(xxvii\) Rock River Arms LAR-15; \(xxviii\) Doublestar AR Rifles; \(xxix\) Barrett REC7; \(xxx\) Beretta Storm; \(xxxi\) Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; \(xxxii\) Hi-Point Carbine Rifles; \(xxxiii\) HK-PSG-1; \(xxxiv\) Kel-Tec Sub-2000, SU Rifles, and RFB; \(xxxv\) Remington Tactical Rifle Model 7615; \(xxxvi\) SAR-8, SAR-4800 and SR9; \(xxxvii\) SLG 95; \(xxxviii\) SLR 95 or 96; \(xxxix\) TNW M230 and M2HB; \(xl\) Vector Arms UZI; \(xli\) Galil and Galil Sporter; \(xlii\) Daewoo AR 100 and AR 110C; \(xliii\) Fabrique Nationale/FN 308 Match and L1A1 Sporter; \(xliv\) HK USC; \(xlv\) IZHMAH Saiga AK; \(xlvi\) SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles; \(xlvii\) Valmet M62S, M71S and M78S; \(xlviii\) Wilkinson Arms Linda Carbine; and \(xlix\) Barrett M107A1;](#)

(C) [Any of the following specified semiautomatic pistols, or copies or duplicates thereof with the capability of any such pistols, that were in production prior to or on the effective date of this section: \(i\) Centurion 39 AK; \(ii\) Draco AK-47; \(iii\) HCR AK-47; \(iv\) IO Inc. Hellpup AK-47; \(v\) Mini-Draco AK-47; \(vi\) Yugo Krebs Krink; \(vii\) American Spirit AR-15; \(viii\) Bushmaster Carbon 15; \(ix\) Doublestar Corporation AR; \(x\) DPMS AR-15; \(xi\) Olympic Arms AR-15; \(xii\) Rock River Arms LAR 15; \(xiii\) Calico Liberty III and III Tactical Pistols; \(xiv\) Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; \(xv\) Intratec TEC-DC9 and AB-10; \(xvi\) Colefire Magnum; \(xvii\) German Sport 522 PK and Chiappa Firearms Mfour-22; \(xviii\) DSA SA58 PKP FAL; \(xix\) I.O. Inc. PPS-43C; \(xx\) Kel-Tec PLR-16 Pistol; \(xxi\) Sig Sauer P516 and P556 Pistols; and \(xxii\) Thompson TA5 Pistols;](#)

(D) Any of the following semiautomatic shotguns, or copies or duplicates thereof with the capability of any such shotguns, that were in production prior to or on the effective date of this section: All IZHMASH Saiga 12 Shotguns;

[(3)] (E) Any semiautomatic firearm [not listed in subdivision (1) of this subsection] regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that meets the following criteria:

[(A)] (i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least [two] one of the following:

[(i)] (I) A folding or telescoping stock;

[(ii) A] (II) Any grip of the weapon, including a pistol grip, [that protrudes conspicuously beneath the action of the weapon] a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;

[(iii)] (III) A [bayonet mount] forward pistol grip;

[(iv)] (IV) A flash suppressor; or [threaded barrel designed to accommodate a flash suppressor; and]

[(v)] (V) A grenade launcher or flare launcher; or

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or

(iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches; or

[(B)] (iv) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least [two] one of the following:

[(i)] (I) An ability to accept a detachable ammunition magazine that attaches [to the pistol] at some location outside of the pistol grip;

[(ii)] (II) A threaded barrel capable of accepting a [barrel extender,] flash suppressor, forward [handgrip] pistol grip or silencer;

[(iii)] (III) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to [hold] fire the firearm [with the nontrigger hand] without being burned, [,] except a slide that encloses the barrel; or

~~[(iv) A manufactured weight of fifty ounces or more when the pistol is unloaded; and]~~

(IV) A second hand grip; or

(v) A semiautomatic pistol with a fixed magazine that has the ability to accept more than ten rounds;

~~[(v) A semiautomatic version of an automatic firearm; or]~~

~~[(C)]~~ (vi) A semiautomatic shotgun that has [at least two] both of the following:

~~[(i)]~~ (I) A folding or telescoping stock; and

~~[(ii) A]~~ (II) Any grip of the weapon, including a pistol grip, [that protrudes conspicuously beneath the action of the weapon;] a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; or

~~[(iii) A fixed magazine capacity in excess of five rounds; and]~~

~~[(iv) An]~~ (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine;

(viii) A shotgun with a revolving cylinder; or

~~[(4)]~~ (F) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in [subdivision (3) of this subsection] any provision of subparagraphs (B) to (E), inclusive, of this subdivision, or any combination of parts from which an assault weapon, as defined in [subdivision (3) of this subsection] any provision of subparagraphs (B) to (E), inclusive, of this subdivision, may be [rapidly] assembled if those parts are in the possession or under the control of the same person; [.]

~~[(b) As used in this section and sections 53-202b to 53-202k, inclusive, the term "assault weapon" does not include any firearm modified to render it permanently inoperable.]~~

(2) "Assault weapon" does not include (A) any firearm modified to render it permanently inoperable, or (B) a part or any combination of parts of an assault weapon, that are not assembled as an assault weapon, when in the possession of a licensed gun dealer, as defined in subsection (d) of section 53-202f, as amended by this act, or a gunsmith who is in the licensed gun dealer's employ, for the purposes of servicing or repairing lawfully possessed assault weapons under sections 53-202a to 53-202k, inclusive, as amended by this act;

(3) "Action of the weapon" means the part of the firearm that loads, fires and ejects a cartridge, which part includes, but is not limited to, the upper and lower receiver, charging handle, forward assist, magazine release and shell deflector;

(4) "Detachable magazine" means an ammunition feeding device that can be removed without disassembling the firearm action;

(5) "Firearm" means a firearm, as defined in section 53a-3;

(6) "Forward pistol grip" means any feature capable of functioning as a grip that can be held by the nontrigger hand;

(7) "Lawfully possesses" means, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of this subdivision, (A) actual possession that is lawful under sections 53-202b to 53-202k, as amended by this act, or (B) constructive possession pursuant to a lawful purchase transacted prior to the effective date of this section, regardless of whether the assault weapon was delivered to the purchaser prior to the effective date of this section;

(8) "Pistol grip" means a grip or similar feature that can function as a grip for the trigger hand; and

(9) "Second hand grip" means a grip or similar feature that can function as a grip that is additional to the trigger hand grip.

Sec. 26. Section 53-202b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, except as provided by sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act, [and subsection (h) of section 53a-46a,] shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced by the court.

(2) Any person who transfers, sells or gives any assault weapon to a person under eighteen years of age in violation of subdivision (1) of this subsection shall be sentenced to a term of imprisonment of six years, which shall not be suspended or reduced by the court and shall be in addition and consecutive to the term of imprisonment imposed under subdivision (1) of this subsection.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The sale of assault weapons to (A) the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States, for use in the

discharge of their official duties or when off duty, or (B) any employee of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility for use in the discharge of their official duties;

(2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections [29-37j and] 53-202a to 53-202k, inclusive, as amended by this act; [and subsection (h) of section 53a-46a;]

(3) The transfer by bequest or intestate succession of an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act.

Sec. 27. Section 53-202c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in section 53-202e, any person who, within this state, possesses [any] an assault weapon, except as provided in sections [29-37j,] 53-202a to 53-202k, inclusive, as amended by this act, and 53-202o, [and subsection (h) of section 53a-46a,] shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced [;] by the court, except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that [he] such person lawfully possessed the assault weapon (A) prior to October 1, 1993, with respect to an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by this act, or (B) on the date immediately preceding the effective date of this act, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by this act, and (2) the person has otherwise possessed the [firearm] assault weapon in compliance with subsection [(d)] (f) of section 53-202d, as amended by this act.

(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by members or employees of the Department of Emergency Services and Public Protection, police departments, the Department of Correction, [or] the military or naval forces of this state or of the United States, any employee of a Nuclear Regulatory Commission licensee operating a nuclear power generating facility in this state for the purpose of providing security services at such facility, or any person, firm, corporation, contractor or subcontractor providing security services at such facility for use in the discharge of their official duties; nor shall [anything] any provision in sections [29-37j and]

53-202a to 53-202k, inclusive, as amended by this act, ~~[and subsection (h) of section 53a-46a]~~ prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and ~~[the]~~ when the possession or use is within the scope of ~~[their]~~ such member's duties.

(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by this act, by any person prior to July 1, 1994, if all of the following are applicable:

- (1) The person is eligible under sections ~~[29-37j and]~~ 53-202a to 53-202k, inclusive, as amended by this act, ~~[and subsection (h) of section 53a-46a]~~ to apply for a certificate of possession for the assault weapon by July 1, 1994;
- (2) The person lawfully possessed the assault weapon prior to October 1, 1993; and
- (3) The person is otherwise in compliance with sections ~~[29-37j and]~~ 53-202a to 53-202k, inclusive, as amended by this act, ~~[and subsection (h) of section 53a-46a.]~~

(d) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by this act, by any person prior to the effective date of this section if all of the following are applicable:

- (1) The person is eligible under sections 53-202a to 53-202k, inclusive, as amended by this act, to apply for a certificate of possession for the assault weapon by January 1, 2014;
- (2) The person lawfully possessed the assault weapon on the date immediately preceding the effective date of this section, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013; and
- (3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive, as amended by this act.

~~[(d)]~~ (e) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by this act, if the assault weapon is possessed at a place set forth in subdivision (1) of subsection ~~[(d)]~~ (f) of section 53-202d, as amended by this act, or as authorized by the Probate Court.

Sec. 32. Section 53-202I of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) For the purposes of this section:

(1) "Armor piercing [. 50 caliber] bullet" means (A) any .50 caliber bullet that ~~is~~ (i) ~~is~~ designed for the purpose of, (B) ~~is~~ held out by the manufacturer or distributor as, or (C) ~~is~~ generally recognized as having a specialized capability to penetrate armor or bulletproof glass, including, but not limited to, such bullets commonly designated as "M2 Armor-Piercing" or "AP", "M8 Armor-Piercing Incendiary" or "API", "M20 Armor-Piercing Incendiary Tracer" or "APIT", "M903 Caliber .50 Saboted Light Armor Penetrator" or "SLAP", or "M962 Saboted Light Armor Penetrator Tracer" or "SLAPT", or (B) any bullet that can be fired from a pistol or revolver that (i) has projectiles or projectile cores constructed entirely, excluding the presence of traces of other substances, from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or (ii) is fully jacketed with a jacket weight of more than twenty-five per cent of the total weight of the projectile, is larger than .22 caliber and is designed and intended for use in a firearm, and (iii) does not have projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, or any other projectiles or projectile cores that the Attorney General of the United States finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as defined in federal law. "Armor piercing bullet" does not include a shotgun shell.

(2) "Incendiary .50 caliber bullet" means any .50 caliber bullet that ~~is~~ (A) ~~is~~ designed for the purpose of, (B) ~~is~~ held out by the manufacturer or distributor as, or (C) ~~is~~ generally recognized as having a specialized capability to ignite upon impact, including, but not limited to, such bullets commonly designated as "M1 Incendiary", "M23 Incendiary", "M8 Armor-Piercing Incendiary" or "API", or "M20 Armor-Piercing Incendiary Tracer" or "APIT".

(b) Any person who knowingly distributes, transports or imports into the state, keeps for sale or offers or exposes for sale or gives to any person any ammunition that is an armor piercing [.50 caliber] bullet or an incendiary .50 caliber bullet shall be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor.

(c) Any person who knowingly transports or carries a firearm with an armor piercing bullet or incendiary .50 caliber bullet loaded shall be guilty of a class D felony.

~~[(c)]~~ (d) The provisions of ~~[subsection]~~ subsections (b) and (c) of this section shall not apply to the following:

- (1) The sale of such ammunition to the Department of Emergency Services and Public Protection, police departments, the Department of Correction or the military or naval forces of this state or of the United States for use in the discharge of their official duties;
- (2) A person who is the executor or administrator of an estate that includes such ammunition that is disposed of as authorized by the Probate Court; or
- (3) The transfer by bequest or intestate succession of such ammunition.

~~[(d)]~~ (e) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29-33.

Sec. 34. Section 29-36k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Not later than two business days after the occurrence of any event that makes a person ineligible to possess a pistol or revolver or other firearm or ammunition, such person shall (1) transfer in accordance with section 29-33, as amended by this act, all pistols and revolvers which such person then possesses to any person eligible to possess a pistol or revolver and transfer in accordance with any applicable state and federal laws all other firearms to any person eligible to possess such other firearms by obtaining an authorization number for the sale or transfer of the firearm from the Commissioner of Emergency Services and Public Protection, and submit a sale or transfer of firearms form to said commissioner within two business days, except that a person described in subdivision ~~[(3)]~~ (4) of subsection (a) of section 53a-217, as amended by this act, may only transfer a pistol, revolver or other firearm or ammunition under this subdivision to a federally licensed firearms dealer pursuant to the sale of the pistol, revolver or other firearm and ammunition to the federally licensed firearms dealer, or (2) deliver or surrender such pistols and revolvers and other firearms and ammunition to the Commissioner of Emergency Services and Public Protection, or (3) transfer such ammunition to any person eligible to possess such ammunition. The commissioner shall exercise due care in the receipt and holding of such pistols and revolvers and other firearms or ammunition. For the purposes of this section, a "person described in subdivision ~~[(3)]~~ (4) of subsection (a) of section 53a-217" means a person described in said subdivision, regardless of whether such person was convicted under said subdivision.

(b) Such person, or such person's legal representative, may, at any time up to one year after such delivery or surrender, transfer such pistols and revolvers in accordance with the provisions of section 29-33, as amended by this act, to any

person eligible to possess a pistol or revolver and transfer such other firearms [and ammunition](#), in accordance with any applicable state and federal laws, to any person eligible to possess such other firearms [and ammunition](#), provided any such person described in subdivision [(3)] (4) of subsection (a) of section 53a-217, [as amended by this act](#), or such person's legal representative, may only transfer such pistol, revolver or other firearm [or ammunition](#) to a federally licensed firearms dealer pursuant to the sale of the pistol, revolver or other firearm [or ammunition](#) to the federally licensed firearms dealer. Upon notification in writing by the transferee and such person, the Commissioner of Emergency Services and Public Protection shall, within ten days, deliver such pistols and revolvers or other firearms [or ammunition](#) to the transferee. If, at the end of such year, such pistols and revolvers or other firearms [or ammunition](#) have not been so transferred, the commissioner shall cause them to be destroyed.

(c) Any person who fails to transfer, deliver or surrender any such pistols and revolvers and other firearms [or ammunition](#) as provided in this section shall be subject to the penalty provided for in section 53a-217, [as amended by this act](#), or 53a-217c, [as amended by this act](#).

Sec. 44. Section 53a-217 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) A person is guilty of criminal possession of a firearm, [ammunition](#) or [an](#) electronic defense weapon when such person possesses a firearm, [ammunition](#) or [an](#) electronic defense weapon and (1) has been convicted of a felony [committed prior to, on or after October 1, 2013, or of a violation of subsection \(c\) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after October 1, 2013,](#) (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) [has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13,](#) (4) knows that such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, [(4)] (5) [\(A\) has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28, as amended by this act, or 29-36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or \(B\) has been voluntarily admitted on or after October 1, 2013,](#)

to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c, as amended by this act, after notice and an opportunity to be heard has been provided to such person, or ~~[(5)]~~ (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction, "ammunition" means a loaded cartridge, consisting of a primed case, propellant or projectile, designed for use in any firearm, and a motor vehicle violation for which a sentence to a term of imprisonment of more than one year may be imposed shall be deemed an unclassified felony.

(b) Criminal possession of a firearm, ammunition or an electronic defense weapon is a class ~~[D]~~ C felony, for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 45. Section 53a-217c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) A person is guilty of criminal possession of a pistol or revolver when such person possesses a pistol or revolver, as defined in section 29-27, and (1) has been convicted of a felony or of a violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (3) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (4) ~~(A)~~ has been confined prior to October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, or has been confined on or after October 1, 2013, in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding sixty months by order of a probate court, or, with respect to any person who holds a valid permit or certificate that was issued or renewed under the provisions of section 29-28, as amended by this act, or 29-36f, as amended by this act, in effect prior to October 1, 2013, such person has been confined in such hospital within the preceding twelve months, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680, (5) knows that

such person is subject to (A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or (B) a foreign order of protection, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person, (6) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, (7) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or unlawfully in the United States. For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.

(b) Criminal possession of a pistol or revolver is a class [D] C felony, for which two years of the sentence imposed may not be suspended or reduced by the court, and five thousand dollars of the fine imposed may not be remitted or reduced by the court unless the court states on the record its reasons for remitting or reducing such fine.

Sec. 57. Subsections (b) to (f), inclusive, of section 29-28 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) Upon the application of any person having a bona fide permanent residence [or place of business] within the jurisdiction of any such authority, such chief of police, warden or selectman may issue a temporary state permit to such person to carry a pistol or revolver within the state, provided such authority shall find that such applicant intends to make no use of any pistol or revolver which such applicant may be permitted to carry under such permit other than a lawful use and that such person is a suitable person to receive such permit. No state or temporary state permit to carry a pistol or revolver shall be issued under this subsection if the applicant (1) has failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association, (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120, (4) has been discharged from custody within the preceding twenty years after having been

found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13, (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding [twelve] sixty months by order of a probate court, or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680. (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person, (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and hearing, (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien illegally or unlawfully in the United States, or (10) is less than twenty-one years of age. Nothing in this section shall require any person who holds a valid permit to carry a pistol or revolver on October 1, 1994, to participate in any additional training in the safety and use of pistols and revolvers. No person may apply for a temporary state permit to carry a pistol or revolver more than once within any twelve-month period, and no temporary state permit to carry a pistol or revolver shall be issued to any person who has applied for such permit more than once within the preceding twelve months. Any person who applies for a temporary state permit to carry a pistol or revolver shall indicate in writing on the application, under penalty of false statement in such manner as the issuing authority prescribes, that such person has not applied for a temporary state permit to carry a pistol or revolver within the past twelve months. Upon issuance of a temporary state permit to carry a pistol or revolver to the applicant, the local authority shall forward the original application to the commissioner. Not later than sixty days after receiving a temporary state permit, an applicant shall appear at a location designated by the commissioner to receive the state permit. [Said] The commissioner may then issue, to any holder of any temporary state permit, a state permit to carry a pistol or revolver within the state. Upon issuance of the state permit, the commissioner shall make available to the permit holder a copy of the law regarding the permit holder's responsibility to report the loss or theft of a firearm and the penalties associated with the failure to comply with such law. Upon issuance of the state permit, the commissioner shall forward a record of such permit to the local authority issuing the temporary state permit. The commissioner shall retain records of all applications, whether approved or denied. The copy of the state permit delivered to the permittee shall be laminated and shall contain a full-face photograph of such permittee. A person holding a state permit issued pursuant to this subsection shall notify the issuing authority within two business days of any change of such person's address. The notification shall include the old address and the new address of such person.

(c) No issuing authority may require any sworn member of the Department of Emergency Services and Public Protection or an organized local police department to furnish such sworn member's residence address in a permit

application. The issuing authority shall allow each such sworn member who has a permit to carry a pistol or revolver issued by such authority to revise such member's application to include a business or post office address in lieu of the residence address. The issuing authority shall notify each such member of the right to revise such application.

(d) Notwithstanding the provisions of sections 1-210 and 1-211, the name and address of a person issued a permit to sell at retail pistols and revolvers pursuant to subsection (a) of this section or a state or a temporary state permit to carry a pistol or revolver pursuant to subsection (b) of this section, or a local permit to carry pistols and revolvers issued by local authorities prior to October 1, 2001, shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, (2) the issuing authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33, [as amended by this act, section 29-37a, as amended by this act, or section 14 of this act](#) for verification that such state or temporary state permit is still valid and has not been suspended or revoked, and the local authority may disclose such information to the extent necessary to comply with a request made pursuant to section 29-33, [as amended by this act, section 29-37a, as amended by this act, or section 14 of this act](#) for verification that a local permit is still valid and has not been suspended or revoked, and (3) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500, [as amended by this act](#).

(e) The issuance of any permit to carry a pistol or revolver does not thereby authorize the possession or carrying of a pistol or revolver in any premises where the possession or carrying of a pistol or revolver is otherwise prohibited by law or is prohibited by the person who owns or exercises control over such premises.

(f) Any bona fide resident of the United States having no bona fide [permanent residence](#) **[or place of business]** within the jurisdiction of any local authority in the state, but who has a permit or license to carry a pistol or revolver issued by the authority of another state or subdivision of the United States, may apply directly to the Commissioner of Emergency Services and Public Protection for a permit to carry a pistol or revolver in this state. All provisions of subsections (b), (c), (d) and (e) of this section shall apply to applications for a permit received by the commissioner under this subsection.

Sec. 58. Subsection (b) of section 29-36f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(b) The Commissioner of Emergency Services and Public Protection shall issue an eligibility certificate unless said commissioner finds that the applicant: (1) Has

failed to successfully complete a course approved by the Commissioner of Emergency Services and Public Protection in the safety and use of pistols and revolvers including, but not limited to, a safety or training course in the use of pistols and revolvers available to the public offered by a law enforcement agency, a private or public educational institution or a firearms training school, utilizing instructors certified by the National Rifle Association or the Department of Energy and Environmental Protection and a safety or training course in the use of pistols or revolvers conducted by an instructor certified by the state or the National Rifle Association; (2) has been convicted of a felony or of a violation of subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120; (4) has been discharged from custody within the preceding twenty years after having been found not guilty of a crime by reason of mental disease or defect pursuant to section 53a-13; (5) (A) has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding [twelve] sixty months by order of a probate court; or (B) has been voluntarily admitted on or after October 1, 2013, to a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding six months for care and treatment of a psychiatric disability and not solely for being an alcohol-dependent person or a drug-dependent person as those terms are defined in section 17a-680. (6) is subject to a restraining or protective order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person; (7) is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and hearing; (8) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien illegally or unlawfully in the United States.

Sec. 66. (*Effective from passage*) (a) There is established a task force to study the provision of behavioral health services in the state with particular focus on the provision of behavioral health services for persons sixteen to twenty-five years of age, inclusive.

(b) The task force shall analyze and make recommendations concerning: (1) Improving behavioral health screening, early intervention and treatment; (2) closing gaps in private insurance coverage; (3) improving behavioral health case management services; (4) addressing the insufficient number of certain behavioral health providers, including psychiatrists who specialize in treating children and those offering specialized services; (5) improving the delivery system for behavioral health services; (6) improving payment models for behavioral health services; (7) creating a central clearinghouse with information for members of the public concerning behavioral health services; (8) providing intensive, individualized behavioral health intervention services in schools for students who are exhibiting violent tendencies; (9) requiring the State Department of Education to provide technical assistance to school districts concerning behavioral intervention specialists in public and private schools and

for preschool programs; (10) employing the use of assisted outpatient behavioral health services and involuntary outpatient commitment as treatment options; (11) conducting behavioral health screenings of public school children; (12) requiring disclosure of communications by mental health professionals concerning persons who present a clear and present danger to the health or safety of themselves or other persons; and (13) reducing the stigma of mental illness as it presents a barrier to a person's receipt of appropriate mental health services.

(c) The task force shall consist of the following members:

(1) The Healthcare Advocate;

(2) The Child Advocate;

(3) Two appointed by the president pro tempore of the Senate, one of whom shall be a child psychiatrist and the other a primary care provider;

(4) Two appointed by the speaker of the House of Representatives, one of whom shall be a pediatrician whose practice is focused on treating adolescents and the other a representative of a school-based health center;

(5) Two appointed by the majority leader of the Senate, one of whom shall be a judge of probate and the other a parent with a child who has utilized behavioral health services;

(6) Two appointed by the majority leader of the House of Representatives, one of whom shall be a school psychologist and the other a representative of a community health center;

(7) Two appointed by the minority leader of the Senate, one of whom shall be a representative of a health insurer and the other a representative of a hospital that offers behavioral health services; and

(8) Two appointed by the minority leader of the House of Representatives, one of whom shall be a representative of an organization that offers behavioral health case management services and the other a consumer of behavioral health services or the representative of an organization that advocates for consumers of behavioral health services;

(9) One appointed by the Governor, who shall be a representative of an institution of higher education; and

(10) The Commissioners of Children and Families, Mental Health and Addiction Services, Public Health and Education, and the Insurance Commissioner or the commissioners' designees.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The president pro tempore of the Senate and the speaker of the House of Representatives shall each appoint one chairperson of the task force from among the members. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section. A majority of the voting task force members shall constitute a quorum. A majority vote of a quorum shall be required for any official action of the task force. Any tie vote shall be decided by the chairpersons. The task force shall meet not less than monthly until February 1, 2014, and at other times upon the call of the chairs or upon the request of a majority of the members.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to public health shall serve as administrative staff of the task force.

(g) Members of the task force shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(h) The task force may seek funding from any state, federal or private source and may enter into contracts to carry out its duties.

(i) Not later than February 1, 2014, the task force shall submit a report on its findings and recommendations to the Governor, the president pro tempore of the Senate, the speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, public health, human services, education and insurance, in accordance with the provisions of section 11-4a of the general statutes. The task force shall provide additional information not contained in such report to said members of the General Assembly, upon their request. The task force shall terminate on July 1, 2014.

Sec. 67. (NEW) (*Effective July 1, 2013*) The Commissioner of Mental Health and Addiction Services shall implement an assertive community treatment program to provide behavioral health support services in three cities of the state that, on June 30, 2013, do not have a program that offers such services. Such program shall use a person-centered, recovery-based approach to provide to persons, including those released from commitment, who have been diagnosed with a severe and persistent mental illness: (1) Assertive outreach; (2) mental health services; (3) vocational assistance; (4) education concerning family issues; (5) information to develop wellness skills; and (6) peer support services. Such services shall be provided by mobile, multi-disciplinary teams in community settings.

Sec. 68. (NEW) (*Effective July 1, 2013*) The Commissioner of Mental Health and Addiction Services shall provide case management and case coordination services to not more than one hundred persons with mental illness who are involved in the Probate Court system and who, on June 30, 2013, are not receiving such services.

Sec. 69. (NEW) (*Effective from passage*) (a) Not later than January 1, 2014, the Commissioner of Children and Families shall establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. Such program shall provide to such primary care providers: (1) Timely access to a consultation team that includes a child psychiatrist, social worker and a care coordinator; (2) patient care coordination and transitional services for behavioral health care; and (3) training and education concerning patient access to behavioral health services. Said commissioner may enter into a contract for services to administer such program.

(b) Not later than October 1, 2013, said commissioner shall submit a plan, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to public health, children, human services and appropriations concerning the program to be established pursuant to subsection (a) of this section.

(c) The Commissioner of Children and Families may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section.

Sec. 70. Subdivision (7) of section 38a-591a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(7) "Clinical peer" means a physician or other health care professional who (A) holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, and (B) for a review specified under subparagraph (B) or (C) of subdivision (38) of section 38a-591a, as amended by this act, concerning (i) a child or adolescent substance use disorder or a child or adolescent mental disorder, holds a national board certification in child and adolescent psychiatry or child and adolescent psychology, and has training or clinical experience in the treatment of child and adolescent substance use disorder or child and adolescent mental disorder, as applicable, or (ii) an adult substance use disorder or an adult mental disorder, holds a national board certification in psychiatry or psychology, and has training or clinical experience in the treatment of adult substance use disorders or adult mental disorders, as applicable.

Sec. 71. Subdivision (38) of section 38a-591a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(38) "Urgent care request" means a request for a health care service or course of treatment [\(A\)](#) for which the time period for making a non-urgent care request determination ~~[(A)]~~ [\(i\)](#) could seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function, or ~~[(B)]~~ [\(ii\)](#) in the opinion of a health care professional with knowledge of the covered person's medical condition, would subject the covered person to severe pain that cannot be adequately managed without the health care service or treatment being requested, or (B) for a substance use disorder, as described in section 17a-458, or for a co-occurring mental disorder, or (C) for a mental disorder requiring (i) inpatient services, (ii) partial hospitalization, as defined in section 38a-496, (iii) residential treatment, or (iv) intensive outpatient services necessary to keep a covered person from requiring an inpatient setting.

Signed by the Governor April 4, 2013



Substitute House Bill No. 5979

Special Act No. 13-11

AN ACT ESTABLISHING A TASK FORCE ON ALZHEIMER'S DISEASE AND DEMENTIA.

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

Section 1. (*Effective from passage*) (a) There is established a task force to study the care provided to persons diagnosed with Alzheimer's disease and dementia in the state. The task force shall analyze and make recommendations on the subject of Alzheimer's disease and dementia that shall include, but need not be limited to: (1) Services provided to persons diagnosed with Alzheimer's disease and dementia, including persons with early-stage and early-onset of Alzheimer's disease, and such persons' family members and caregivers; (2) legislative policy changes to better serve such persons, family members and caregivers; (3) coordination between state agencies and private community-based health care providers to serve such persons, family members and caregivers; (4) case management services for such persons, family members and caregivers; (5) the transition of such persons from one health care facility to another; and (6) the placement of such persons in community-based settings or health care facilities other than nursing home facilities, when feasible.

(b) The task force shall consist of the following members:

(1) The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to aging and public health, or the chairpersons' and ranking members' designees;

(2) One appointed by the speaker of the House of Representatives, who shall be a person diagnosed with Alzheimer's disease;

(3) One appointed by the president pro tempore of the Senate, who shall be a family member of, and caregiver for, a person diagnosed with Alzheimer's disease;

(4) One appointed by the majority leader of the House of Representatives, who shall be a representative of an organization that advocates for persons with Alzheimer's disease and dementia who are living in long-term care facilities;

(5) One appointed by the majority leader of the Senate, who shall be a physician whose practice is focused on the treatment of elderly patients;

(6) One appointed by the minority leader of the House of Representatives, who shall be a representative of a community-based health care provider;

(7) One appointed by the minority leader of the Senate, who shall be a member of the Alzheimer's Association, Connecticut Chapter;

(8) One appointed by the Governor, who shall be a representative of a long-term care facility;

(9) The chairperson of the Long-Term Care Planning Committee, established pursuant to section 17b-337 of the general statutes;

(10) The Commissioners of Social Services, Public Health and Emergency Services and Public Protection, the Commissioner on Aging and the Labor Commissioner and Banking Commissioner, or said commissioners' designees; and

(11) The Probate Court Administrator, or the administrator's designee.

(c) Any member of the task force under subdivision (1) or subdivisions (3) to (7), inclusive, of subsection (b) of this section may be a member of the General Assembly.

(d) All appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The president pro tempore of the Senate and the speaker of the House of Representatives shall each appoint one chairperson of the task force from among the members. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section. A majority of the task force members shall constitute a quorum. A majority vote of a quorum shall be required for any official action of the task force. The task force shall meet upon the call of the chairs or upon the request of a majority of the members.

(f) The administrative staff of the Commission on Aging shall serve as administrative staff of the task force.

(g) Members of the task force shall serve without compensation, except for necessary expenses incurred in the performance of their duties.

(h) Not later than January 1, 2014, the task force shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, on its findings and recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to public health and aging. The task force shall terminate on the date that it submits such report or January 1, 2014, whichever is later.

Signed by the Governor June 18, 2013



Substitute Senate Bill No. 984

Public Act No. 13-81

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Section 45a-78 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) The Probate Court Administrator shall, from time to time, recommend to the judges of the Supreme Court, for adoption and promulgation pursuant to the provisions of section 51-14, uniform rules **[for practice and]** of procedure in the **[courts of probate]** Probate Courts. Any rules **[for practice and]** of procedure so adopted and promulgated shall be mandatory upon all **[courts of probate]** Probate Courts. To assist **[him]** the Probate Court Administrator in formulating such recommendations, the Probate Court Administrator shall meet with the Probate Assembly at least annually, and may meet with members of the bar of this state and with the general public.

(b) The Probate Court Administrator shall, from time to time, **[compile into a probate practice book all rules regarding practice and procedure in the courts of probate and all forms prescribed for use in probate courts]** publish the rules of procedure for the Probate Courts. The Probate Court Administrator **[shall cause the probate practice book to be published, shall pay for the probate practice book]** may pay the expenses of publication from the fund established under section 45a-82 and shall sell the **[probate practice]** book of Probate Court rules of procedure, at a price determined by the Probate Court Administrator. The proceeds from the sales shall be added to and shall become a part of said fund.

Sec. 2. Section 45a-176 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

[Except when any beneficiary is a trustee of a testamentary or inter vivos trust, if any fiduciary of a decedent's estate is one of the beneficiaries of the residue of

the estate, and if all dispositions, if any, to other beneficiaries are bequests of specific personal property or of an amount certain or devises of specific real property, any fiduciary may, in lieu of any other accounting required under this chapter, file with the court of probate having jurisdiction of the estate a statement under the penalties of false statement that all debts, funeral expenses, taxes and expenses of administration have been paid, and all bequests and devises have been or will be distributed. The statement shall include the total of any amount reported on the return of claims filed under section 45a-397, an itemized list of all funeral expenses, taxes and expenses of administration, and a representation that all distributees have received a copy of the statement. Any distributee or other interested party not satisfied with the adequacy or content of the statement may request the filing of an account under section 45a-175 or object to the statement by petitioning the court for a hearing at any time prior to the court's approval of the statement. The court may, for cause shown, refuse to accept the statement and require an accounting from the fiduciary. The court of probate] If a fiduciary is permitted to submit a financial report in lieu of an account pursuant to rules of procedure adopted under section 45a-78, as amended by this act, and the Probate Court approves the financial report, the Probate Court may enter a decree releasing [and discharging] the fiduciary and the sureties on [his] the fiduciary's bond, if any, from any further liability with respect to all items shown on the financial report.

Sec. 3. Section 17a-525 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any person aggrieved by an order, denial or decree of [the Court of Probate] a Probate Court under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, including any relative or friend, on behalf of any person found to have psychiatric disabilities, shall have the right of appeal [as in other cases] in accordance with sections 45a-186 to 45a-193, inclusive, as amended by this act. [The Court of Probate, on an appeal, shall make all necessary orders of notice to the parties to the proceedings and to such other persons as it deems advisable and may require the appellant to give bond, with sufficient surety, to the state to prosecute such appeal to effect and to pay all the legal costs and expenses thereof if unsuccessful, and may refuse to allow such appeal unless such bond is given or, at its discretion, allow such appeal without such bond.] On the trial of an appeal, the Superior Court may require the state's attorney or, in [his] the state's attorney's absence, some other practicing attorney of the court to be present for the protection of the interests of the state and of the public.

Sec. 4. Section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Except as provided in sections 45a-187 and 45a-188, any person aggrieved by any order, denial or decree of a **[court of probate]** [Probate Court](#) in any matter, unless otherwise specially provided by law, may, not later than forty-five days after the mailing of an order, denial or decree for a matter heard under any provision of section 45a-593, 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to 45a-705, inclusive, and not later than thirty days after mailing of an order, denial or decree for any other matter in a **[court of probate]** [Probate Court](#), appeal therefrom to the Superior Court. Such an appeal shall be commenced by filing a complaint in the superior court in the judicial district in which such **[court of probate]** [Probate Court](#) is located, or, if the **[court of probate]** [Probate Court](#) is located in a probate district that is in more than one judicial district, by filing a complaint in a superior court that is located in a judicial district in which any portion of the probate district is located, except that (1) an appeal under subsection (b) of section 12-359, subsection (b) of section 12-367 or subsection (b) of section 12-395 shall be filed in the judicial district of Hartford, and (2) an appeal in a matter concerning removal of a parent as guardian, termination of parental rights or adoption shall be filed in any superior court for juvenile matters having jurisdiction over matters arising in any town within such probate district. The complaint shall state the reasons for the appeal. A copy of the order, denial or decree appealed from shall be attached to the complaint. Appeals from any decision rendered in any case after a recording is made of the proceedings under section 17a-498, [17a-543, 17a-543a or 17a-685, \[45a-650,\]](#) [sections 45a-644 to 45a-667v, inclusive, or section](#) 51-72 or 51-73 shall be on the record and shall not be a trial de novo.

(b) Each person who files an appeal pursuant to this section shall **[mail a copy of the complaint to the court of probate that rendered the order, denial or decree appealed from, and]** serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with **[said court of probate]** [the Probate Court](#), except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.

(c) In addition to the notice given under subsection (b) of this section, each person who files an appeal pursuant to this section shall mail a copy of the complaint to the Probate Court that rendered the order, denial or decree appealed from. The Probate Court and the judge of probate that rendered the order, denial or decree appealed from shall not be made parties to the appeal and shall not be named in the complaint as parties.

[(c)] (d) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on **[the court of probate and]** each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.

[(d)] (e) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify any necessary party not yet served.

[(e)] (f) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-703 or 45a-717 shall commence, unless a stay has been issued pursuant to subsection **[(f)] (g)** of this section, not later than ninety days after the appeal has been filed.

[(f)] (g) The filing of an appeal under this section shall not, of itself, stay enforcement of the order, denial or decree from which the appeal is taken. A motion for a stay may be made to the **[Court of]** Probate Court or the Superior Court. The filing of a motion with the **[Court of]** Probate Court shall not preclude action by the Superior Court.

[(g)] (h) Nothing in this section shall prevent any person aggrieved by any order, denial or decree of a **[court of probate]** Probate Court in any matter, unless otherwise specially provided by law, from filing a petition for a writ of habeas corpus, a petition for termination of involuntary representation or a petition for any other available remedy.

[(h)] (i) (1) Except for matters described in subdivision (3) of this subsection, in any appeal filed under this section, the appeal may be referred by the Superior Court to a special assignment probate judge appointed in accordance with section 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such appeal, except that such appeal shall be heard by the Superior Court if any party files a demand for such hearing in writing with the Superior Court not later than twenty days after service of the appeal.

(2) An appeal referred to a special assignment probate judge pursuant to this subsection shall proceed in accordance with the rules for references set forth in the rules of the judges of the Superior Court.

(3) The following matters shall not be referred to a special assignment probate judge pursuant to this subsection: Appeals under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, children's matters as defined in

subsection (a) of section 45a-8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive, and 45a-690 to 45a-700, inclusive, and any matter in a [court of probate] [Probate Court](#) heard on the record in accordance with sections 51-72 and 51-73.

Sec. 5. Section 45a-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) When it appears to any [court of probate] [Probate Court](#), pending proceedings before it for the settlement of the estate of a deceased person as a testate estate, that the will under which such proceedings were commenced and have been continued had been revoked in accordance with the provisions of subsection (b) of section 45a-257 [of the general statutes, revision of 1958, revised to January 1, 1995, with respect to any will executed on or after October 1, 1967, and prior to January 1, 1997, or in accordance with the provisions of section 45a-257 with respect to any will executed on or after January 1, 1997](#), the court shall have power to revoke, annul and set aside any order or decree proving or approving the will so revoked and any other order or decree made and passed by such court in the settlement of the estate under such will.

(b) The court may thereafter proceed with the settlement of the estate under a subsequent will if there is one or, if there is no subsequent will, may grant administration on the estate of such deceased person and proceed with the settlement of the estate as an intestate estate upon such notice to all parties in interest as the court orders.

Sec. 6. Section 45a-436 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) On the death of a spouse, the surviving spouse may elect, as provided in subsection (c) of this section, to take a statutory share of the real and personal property passing under the will of the deceased spouse. The "statutory share" means a life estate of one-third in value of all the property passing under the will, real and personal, legally or equitably owned by the deceased spouse at the time of his or her death, after the payment of all debts and charges against the estate. The right to such third shall not be defeated by any disposition of the property by will to other parties.

(b) If the deceased spouse has by will devised or bequeathed a portion of his or her property to his or her surviving spouse, such provision shall be taken to be in lieu of the statutory share unless the contrary is expressly stated in the will or clearly appears therein; but, in any such case, the surviving spouse may elect to take the statutory share in lieu of the provision of the will.

(c) The surviving spouse, or the conservator or guardian of the estate of the surviving spouse, with the approval, after notice and hearing, of the [court of

probate] [Probate Court](#) by which such conservator or guardian was appointed, shall, not later than one hundred fifty days **[from the date of the appointment of the first fiduciary, as defined in section 45a-353]** [after the mailing of the decree admitting the will to probate](#), file a notice, in writing, of his or her intention to take the statutory share with the **[court of probate]** [Probate Court](#) before which the estate is in settlement, and if such notice is not so filed, the surviving spouse shall be barred of such statutory share.

(d) If the **[court of probate]** [Probate Court](#) has allowed a support allowance under section 45a-320 from the deceased spouse's estate for support of the surviving spouse and for the support of his or her family, the surviving spouse shall not take his or her statutory share until the expiration of the time for which the support allowance is made.

(e) The statutory share shall be set out by the fiduciary charged with the administration of the estate or, in the discretion of the **[probate court]** [Probate Court](#) on its own motion or on application by any interested person, by distributors appointed by the **[court of probate]** [Probate Court](#). The statutory share may consist of personal property or real property, or both, according to the judgment of the fiduciary or distributors.

(f) The provisions of this section with regard to the statutory share of the surviving spouse in the property of the deceased spouse shall not apply to any case in which, by written contract made before or after marriage, either party has received from the other what was intended as a provision in lieu of the statutory share.

(g) A surviving **[husband or wife]** [spouse](#) shall not be entitled to a statutory share, as provided in subsection (a) of this section, or an intestate share, as provided in section 45a-437, in the property of the other if such surviving spouse, without sufficient cause, abandoned the other and continued such abandonment to the time of the other's death.

(h) The provisions of this section shall apply to estates of all persons dying on or after July 1, 1985.

Sec. 7. Section 45a-484 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Except as otherwise provided by the trust or section 45a-520 with respect to charitable trusts, a **[probate court]** [Probate Court](#) having jurisdiction under this section may terminate a trust, in whole or in part, on application therefor by the trustee, by any beneficiary entitled to income from the trust, or by such beneficiary's legal representative, after reasonable notice to all beneficiaries who are known and in being and who have vested or contingent interests in the trust, and after holding a hearing, if the court determines that all of the following apply:

(1) The continuation of the trust is (A) uneconomic when the costs of operating the trust, probable income and other relevant factors are considered, or (B) not in the best interest of the beneficiaries; (2) the termination of the trust is equitable and practical; and (3) the current market value of the trust does not exceed the sum of one hundred [fifty](#) thousand dollars.

(b) If the [\[probate court\] Probate Court](#) orders termination of the trust, in whole or in part, it shall direct that the principal and undistributed income be distributed to the beneficiaries in such manner as the [\[probate court\] Probate Court](#) determines is equitable. The [\[probate court\] Probate Court](#) may also make such other order as it deems necessary or appropriate to protect the interests of the beneficiaries.

(c) No trust may be terminated over the objection of its settlor or where the interest of the beneficiaries cannot be ascertained. The provisions of this section shall not apply to spendthrift trusts.

(d) A [\[probate court\] Probate Court](#) may terminate a testamentary trust pursuant to this section if the [\[probate court\] Probate Court](#) has jurisdiction over the accounts of the testamentary trustee. A [\[probate court\] Probate Court](#) may terminate an inter vivos trust pursuant to this section if the trustee or settlor has his or its principal place of business in, or resides in, that probate district.

Sec. 8. Section 45a-648 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) An application for involuntary representation may be filed by any person alleging that a respondent is incapable of managing his or her affairs or incapable of caring for himself or herself and stating the reasons for the alleged incapability. The application shall be filed in the [\[court of probate\] Probate Court](#) in the district in which the respondent resides, is domiciled or is located at the time of the filing of the application.

(b) An application for involuntary representation for a nondomiciliary of the state shall be made pursuant to the provisions of sections 45a-667g to 45a-667o, inclusive.

(c) An application for involuntary representation may be filed by the parent or guardian of a minor child up to one hundred eighty days prior to the date such child attains eighteen years of age if the parent or guardian anticipates that such minor child will require a conservator upon attaining eighteen years of age. The hearing on such application shall be held not more than thirty days prior to the date such child attains eighteen years of age. The court may grant such application, provided such order shall take effect no earlier than the date the child attains eighteen years of age.

~~[(c)]~~ (d) A person is guilty of fraudulent or malicious application or false testimony when such person (1) wilfully files a fraudulent or malicious application for involuntary representation or appointment of a temporary conservator, (2) conspires with another person to file or cause to be filed such an application, or (3) wilfully testifies either in court or by report to the court falsely to the incapacity of any person in any proceeding provided for in sections 45a-644 to 45a-663, inclusive. Fraudulent or malicious application or false testimony is a class D felony.

Sec. 9. Subdivision (1) of subsection (a) of section 45a-649 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) Upon an application for involuntary representation, the court shall issue a citation to the following enumerated parties to appear before it at a time and place named in the citation, which shall be served on the parties at least ten days before the hearing date, or in the case of an application made pursuant to section 17a-543 or 17a-543a, at least seven days before the hearing date. ~~[, which date in any event]~~ Except as provided in subsection (c) of section 45a-648, as amended by this act, or unless continued by the court for cause shown, the hearing on an application under this section shall be held not ~~[be]~~ more than thirty days after the receipt of the application by the ~~[Court of]~~ Probate ~~[unless continued for cause shown]~~ Court. Notice of the hearing shall be sent ~~[within]~~ not more than thirty days after receipt of the application. In addition to such notice, (A) notice for a matter brought under sections 45a-667g to 45a-667o, inclusive, shall be given in the manner provided in section 45a-667n, and (B) notice for a matter brought under section 45a-667p, as amended by this act, shall be given in the manner provided in section 45a-667q.

Sec. 10. (NEW) (*Effective October 1, 2013*) The rules of evidence in civil actions adopted by the judges of the Superior Court shall apply to all hearings held pursuant to sections 45a-644 to 45a-667v, inclusive, of the general statutes. All testimony at a hearing held pursuant to sections 45a-644 to 45a-667v, inclusive, of the general statutes shall be given under oath or affirmation.

Sec. 11. (NEW) (*Effective October 1, 2013*) If a conserved person, as defined in section 45a-644 of the general statutes, notifies the Probate Court in any manner that the conserved person wants to attend a hearing pursuant to sections 45a-644 to 45a-663, inclusive, of the general statutes, but is unable to do so, the Probate Court shall schedule the hearing at a place that would facilitate attendance by the conserved person.

Sec. 12. Section 45a-656b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) (1) For the purposes of this section: (A) "Institution for long-term care" means a facility that has been federally certified as a skilled nursing facility, an intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home or a rehabilitation hospital or facility; and (B) "person under conservatorship" means a conserved person or a person under voluntary representation pursuant to section 45a-646.

[(a)] (2) Except as provided in subsections (b), (c), (d), (e) and (f) of this section, a conservator may not terminate a tenancy or lease of a **[conserved]** person **[, as defined in section 45a-644]** under conservatorship, sell or dispose of any real property or household furnishings of the **[conserved]** person under conservatorship, or change the **[conserved person's]** residence of the person under conservatorship unless a **[court of probate]** Probate Court finds, after a hearing, that such termination, sale, disposal or change is necessary or that the **[conserved]** person under conservatorship agrees to such termination, sale, disposal or change.

(b) If the conservator determines it is necessary to cause the **[conserved]** person under conservatorship to be placed in an institution for long-term care or to change the **[conserved person's]** residence of the person under conservatorship, the conservator shall file a report of the intended placement in an institution for long-term care or change of residence with the **[court of probate]** Probate Court that appointed the conservator. The court shall hold a hearing to consider the report. If, after the hearing, the conservator obtains permission of the court for the intended placement or change of residence, the conservator may make such a placement or implement such a change of residence. The hearing shall be held not less than five days after the filing of the report, excluding Saturdays, Sundays and holidays, and not less than seventy-two hours before the placement in the institution for long-term care or the change of residence, except that if the placement in an institution for long-term care results from the **[conserved person's]** discharge from a hospital of a person under conservatorship, the conservator may make the placement before filing the report, provided the conservator (1) files the report not later than five days after making such placement, and (2) includes in the report a statement as to the hospital discharge and related circumstances requiring the placement of the **[conserved]** person under conservatorship in the institution for long-term care. No such placement made before the filing of the report of the conservator shall continue unless ordered by the **[Court of]** Probate Court after a hearing held pursuant to this section.

(c) A report filed under subsection (b) of this section with respect to placement in an institution for long-term care shall set forth the basis for the conservator's determination, what community resources are available and have been considered to avoid the placement, and the reasons why the **[conserved person's]** physical, mental and psychosocial needs of the person under conservatorship cannot be met in a less restrictive and more integrated setting.

Such community resources include, but are not limited to, resources provided by the area agencies on aging, the Department of Social Services, the Office of Protection and Advocacy for Persons with Disabilities, the Department of Mental Health and Addiction Services, the Department of Developmental Services, any center for independent living, as defined in section 17b-613, any residential care home or any congregate or subsidized housing. The conservator shall give notice of the placement of the **[conserved]** person under conservatorship in an institution for long-term care and a copy of such report to the **[conserved]** person under conservatorship, the **[conserved person's]** attorney for the person under conservatorship and any interested parties as determined by the court. Service shall be by first-class mail. The conservator shall provide a certification to the court that service was made in the manner prescribed by this subsection.

(d) The **[conserved]** person under conservatorship may, at any time, request a hearing by the court on the person's placement in an institution for long-term care which hearing may determine the availability of a less restrictive alternative for the person's placement. On request of the **[conserved]** person under conservatorship made after the initial hearing held under subsection (b) of this section, the court shall hold a hearing on the placement not later than ten days, excluding Saturdays, Sundays and holidays, after receipt by the court of such request. The court shall not be required to conduct a hearing under this subsection more than three times in any twelve-month period following the hearing held under subsection (b) of this section authorizing the initial placement, except that the court shall conduct a hearing whenever information not previously available to the court is submitted with a request for a hearing.

(e) After the initial hearing held under subsection (b) of this section, the court may hold a hearing on a conservator's report and the placement of the **[conserved]** person under conservatorship in an institution for long-term care in any case even if no request for a hearing is made.

(f) If the court, after a hearing on the placement of the **[conserved]** person under conservatorship in an institution for long-term care, determines that the **[conserved person's]** physical, mental and psychosocial needs of the person under conservatorship can be met in a less restrictive and more integrated setting within the resources available to the **[conserved]** person under conservatorship, either through the **[conserved person's own]** estate of the person under conservatorship or through private or public assistance, the court shall order that the **[conserved]** person under conservatorship be placed and maintained in a less restrictive and more integrated setting.

(g) A **[conserved]** person under conservatorship may waive the right to a hearing required under this section if the **[conserved person's]** attorney for the person under conservatorship has consulted with the **[conserved]** person under conservatorship and the attorney has filed with the court a record of the waiver.

Such a waiver shall be invalid if the waiver does not represent the [conserved person's own] wishes [of the person under conservatorship](#).

[(h) For purposes of this section, an "institution for long-term care" means a facility that has been federally certified as a skilled nursing facility, an intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home or a rehabilitation hospital or facility.]

Sec. 13. Section 45a-317a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Any person interested in the estate of a deceased person and having a need to obtain financial [information concerning the deceased person for the limited purpose of determining whether the estate may be settled as a small estate under section 45a-273, or having a need to obtain financial](#) or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the [court of probate] [Probate Court](#) having jurisdiction of the estate of the deceased person for the appointment of an estate examiner. The [court of probate] [Probate Court](#) may grant the application and appoint an estate examiner for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints an estate examiner under this section, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the estate examiner to disclose the information obtained by the estate examiner, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing an estate examiner under this section, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the estate examiner's appointment, and (2) that such estate examiner has no authority over the assets of the deceased person.

Sec. 14. Section 45a-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Whenever a claim has been rejected, in whole or in part, as provided in section 45a-360, the person whose claim has been rejected may, within thirty days from and including the date of such rejection, make application to the [Court of] [Probate Court](#) to hear and decide such claim or, in the alternative, may apply to said court [for the appointment of one or more disinterested persons, at least one of whom shall be an attorney-at-law, admitted to practice in this state, to be a commissioner or commissioners to hear and decide] [to refer the claim to a](#)

probate magistrate or attorney probate referee to hear such claim. ~~[[The Court of Probate shall not appoint as a commissioner any officer or employee of the Court of Probate or any person employed by or associated in the practice of law with the judge of said court.]~~ The court may, in its discretion, grant the application, hear and decide such claim if the application so requests or ~~[[appoint such commissioner or commissioners to hear and decide]~~ refer such claim to a probate magistrate or attorney probate referee if the application so requests. The court shall notify the applicant and the fiduciary of its action granting or denying the application within fifteen days after receipt of the application.

~~[(b) Upon application of such commissioner or commissioners or upon its own motion, the Court of Probate shall give notice of the time and place set forth for the hearing to decide such claim to such persons as the court may direct at least ten days before the hearing date.]~~

~~[(c)]~~ (b) If the application to receive and decide such claim by the court or for the ~~[[appointment of a commissioner or commissioners]~~ referral of such claim to a probate magistrate or attorney probate referee is denied, the claimant shall commence suit within one hundred twenty days from and including the date of the denial of ~~[[his]~~ the claimant's application or be barred from asserting or recovering on such claim from the fiduciary, the estate of the decedent or any creditor or beneficiary of the estate.

~~[(d) (1) If the Court of Probate appoints more than one commissioner, it shall appoint an odd number of commissioners and a determination by a majority of such commissioners shall constitute the decision of the commissioners. (2) When any commissioner is unable to complete his duties, the Court of Probate may appoint a successor commissioner or allow the remaining commissioners to complete the duties of the commissioners. (3) The Court of Probate may remove any commissioner for cause and appoint another in his place.~~

~~(e) The determination of such commissioner or commissioners shall be final on the date the report of such commissioner or commissioners is filed in the Court of Probate, and the court shall thereupon enter an order approving the report unless the court finds that the commissioner or commissioners were guilty of misconduct substantially affecting the validity of the report or that the report is clearly erroneous. Upon rejection of the report, the Court of Probate may hear and determine such claim or appoint a different commissioner or commissioners to hear and determine such claim as otherwise provided in this section.~~

~~(f) Such commissioner or commissioners may be allowed such reasonable compensation and expenses as the Court of Probate shall determine, the cost of which may be apportioned between the creditor and the estate as the court shall direct. In the event that the Court of Probate shall receive and decide a claim, costs shall not be assessed other than those permitted by sections 45a-105 and 45a-107.]~~

(c) If the Probate Court refers the claim to a probate magistrate or attorney probate referee, the provisions of section 45a-123 shall govern the proceedings.

Sec. 15. Subsection (a) of section 45a-667p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except for an individual under voluntary representation as provided in section ~~[45a-647]~~ 45a-646, a conserved person, a conserved person's attorney, a conservator of the person or a conservator of the estate appointed in this state or any person who has received notice pursuant to subdivision (2) of subsection (a) of section 45a-649 may petition a ~~[court of probate]~~ Probate Court to transfer the conservatorship of the person or the conservatorship of the estate, or both, to another state.

Sec. 16. Section 46a-81a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

For the purposes of sections 4a-60a ~~[, 45a-726a]~~ and 46a-81b to 46a-81q, inclusive, "sexual orientation" means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such preference or being identified with such preference, but excludes any behavior which constitutes a violation of part VI of chapter 952.

Sec. 17. Section 45a-353 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

For the purposes of sections 45a-266, 45a-353 to 45a-384, inclusive, ~~[45a-390]~~ and 45a-436, as amended by this act, the following terms shall have the following meanings, unless otherwise specifically provided:

(a) "Fiduciary" means an ancillary or domiciliary executor, administrator, administrator c. t. a., administrator d. b. n., administrator c. t. a. d. b. n. and temporary administrator of the estate of a decedent;

(b) "Assets" means all property and property interests, whether real or personal, tangible or intangible, corporeal or incorporeal, and choate or inchoate, of a decedent at the time of his death or of the estate of a decedent;

(c) "Beneficiary" means any person entitled to legal title to any assets (1) under the statutes governing descent and distribution, (2) under the provisions of a will or codicil, (3) by virtue of a right of election, (4) in settlement of a will contest, or (5) by mutual distribution; but shall not include the recipient of assets pursuant to a widow's allowance or family allowance paid by order of the ~~[Court of]~~ Probate Court;

(d) "Claim" means all claims against a decedent (1) existing at the time of the decedent's death or (2) arising after the decedent's death, including, but not limited to, claims which are mature, unmatured, liquidated, unliquidated, contingent, founded in tort, or in the nature of exoneration, specific performance or replevin;

(e) "Creditor" means any person having a claim;

(f) "Demonstrative disposition" means a testamentary disposition to be taken out of specified or identified property;

(g) "Distributee" means a person who receives assets under the statutes governing descent and distribution;

(h) "First fiduciary" means the fiduciary first appointed by the [court of probate] [Probate Court](#) to administer the estate of a decedent;

(i) "General disposition" means a testamentary disposition not amounting to a demonstrative, residuary or specific disposition;

(j) "Newspaper notice" means notice published in a newspaper having a substantial general circulation in the probate district in which an estate is in settlement;

(k) "Notice" means a written instrument containing the required information sent to the person to whom the notice is to be given by certified mail or registered mail and the date on which such notice shall be deemed given shall be the date of mailing; provided in the case of notice required to be given by a [court of probate] [Probate Court](#), the term "notice" shall include such forms of notification in addition to certified or registered mail as the [Court of] [Probate Court](#) shall in its discretion direct;

(l) "Person" means a natural person, association, board, corporation, limited liability company, partnership or other firm or entity;

(m) "Specific disposition" means a testamentary disposition of a specified or identified item;

(n) "Testamentary disposition" means a disposition of assets by will.

Sec. 18. Subsection (g) of section 45a-369 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(g) (1) If at any time payment with respect to an obligation described in subsection (a) of section 45a-368, [as amended by this act](#), is made by a beneficiary having a lower order of liability than another beneficiary or

beneficiaries, or out of assets due such beneficiary having a lower order of liability, then the beneficiary having a lower order of liability shall be entitled to recover the amount so paid from any beneficiary prior in liability to him under subsection (a) of this section who remains liable under sections 45a-266, 45a-353 to 45a-384, inclusive, as amended by this act, [45a-390] and 45a-436, as amended by this act, without regard to the limitations of sections 45a-370 and 45a-373. (2) If by application of subdivision (1) of subsection (g) of this section any beneficiary has paid more than his ratable obligation, as defined in section 45a-370, such beneficiary shall be entitled to contribution from any beneficiary within the same order of liability without regard to the limitations of sections 45a-370 and 45a-373.

Sec. 19. Subsection (f) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(f) A fee of fifty dollars shall be payable to the court by any creditor applying to the [Court of] Probate Court pursuant to section 45a-364, as amended by this act, [or 45a-401] for consideration of a claim. If such claim is allowed by the court, the court may order the fiduciary to reimburse the amount of such fee from the estate.

Sec. 20. Subsection (a) of section 45a-368 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Subject to the provisions of sections 45a-369 to 45a-375, inclusive, as amended by this act, a beneficiary is liable, in an action or actions, to the extent of the fair market value on the date of distribution of any assets received by him as a beneficiary from the estate of a decedent, for the expenses of administering the estate, claims, funeral expenses of the decedent, and all taxes for which the estate is liable, which have not previously been recovered out of assets held by the fiduciary or from any other source described in subsection (b) of this section. [or in section 45a-409.] For purposes of this section, the date of distribution of real estate specifically devised and real estate passing under the laws of descent and distribution shall be the date of the decedent's death.

Sec. 21. Sections 45a-190, 45a-390 to 45a-419, inclusive, 45a-726a and 45a-727b of the general statutes are repealed. (*Effective July 1, 2013*)

Signed by the Governor June 5, 2013



House Bill No. 6448

Public Act No. 13-199

AN ACT CONCERNING PROBATE FEES.

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

Section 1. Section 45a-106 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

The basic fees payable to [courts of] probate courts for any proceeding other than in connection with the settlement of the estate of a deceased person or periodic accounts of trustees, guardians, conservators or other fiduciaries shall be as follows:

(1) Except for such proceedings for which basic fees are specified in subdivision (4), (5) or (6) of this section or are otherwise specified or exempted in section 45a-111, as amended by this act, or elsewhere in the general statutes, there shall be payable to the [Court of] Probate Court with respect to each application, petition or motion filed with the court to commence a matter before it, an entry fee of one hundred fifty dollars which shall be paid by the person making the application, petition or motion.

(2) On each matter commenced by the court on its own motion, an entry fee of one hundred fifty dollars shall be payable by an interested party as determined by the court.

(3) For the purposes of establishing fees payable to [courts of] probate courts under this section, all applications, petitions and motions filed and proceedings thereunder, in connection with a matter which has been entered as above, which are necessary to enter a final decree in and are incidental to the action of the court being sought in the matter so entered shall be covered by the entry fee and by any additional fee or expense under subdivision (6) of this section that may have become payable in such matter. No additional fees under this section shall be charged for any such incidental applications, petitions or motions, except that

once a final decree is entered in any matter and, thereafter, additional action or actions are sought in the court in connection therewith, such additional action or actions shall be treated as a new matter under this section.

(4) For proceedings brought under section 46b-30, the fee shall be twenty-five dollars.

(5) For filing a will in the Probate Court, the fee shall be five dollars. For filing any other document in the ~~probate court~~ [Probate Court](#) under the provisions of any statute if the court is not required to take any action, the fee shall be twenty-five dollars, in addition to any applicable recording fee. Any fee under this subdivision shall be payable by the person filing such will or document.

(6) A fee of fifty dollars, plus the actual expenses of rescheduling the adjourned hearing that are payable under section 45a-109, [as amended by this act](#), shall be payable to the court by any party who requests an adjournment of a scheduled hearing or whose failure to appear necessitates an adjournment, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the adjourned hearing, or both.

[\(7\) A fee of two hundred fifty dollars shall be payable to the Probate Court by a petitioner filing a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court.](#)

Sec. 2. Section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(a) The basic fees for all proceedings in the settlement of the estate of any deceased person, including succession and estate tax proceedings, shall be in accordance with the provisions of this section.

(b) For estates in which proceedings were commenced on or after January 1, 2011, fees shall be computed as follows:

(1) The basis for fees shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, except as provided in subdivisions (5) and (6) of this subsection, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse

shall be reduced by fifty per cent. Except as provided in subdivisions (3) and (4) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

Basis for Computation Of Fees	Total Fee
0 to \$ 500	\$ 25
\$ 501 to \$ 1,000	\$ 50
\$ 1,000 to \$ 10,000	\$ 50, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 150, plus .35% of all in excess of \$ 10,000
\$ 500,000 to \$ 4,754,000	\$ 1,865, plus .25% of all in excess of \$ 500,000
\$ 4,754,000 and over	\$ 12,500

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84.

(5) In the case of a deceased person who was domiciled in this state on the date of his or her death, the gross estate for estate tax purposes shall, for the purpose of determining the basis for fees pursuant to subdivision (1) of this subsection, be reduced by the fair market value of any real property or tangible personal property of the deceased person situated outside of this state.

(6) In the case of a deceased person who was not domiciled in this state on the date of his or her death but who owned real property or tangible personal property situated in this state on the date of his or her death, only the fair market value of such real property or tangible personal property situated in this state shall be included in the basis for fees pursuant to subdivision (1) of this subsection.

(c) For estates in which proceedings were commenced on or after April 1, 1998, and prior to January 1, 2011, fees shall be computed as follows:

(1) The basis for fees shall be (A) the gross estate for succession tax purposes, as provided in section 12-349, the inventory, including all supplements thereto, the Connecticut taxable estate, as defined in section 12-391, or the gross estate for estate tax purposes, as provided in chapters 217 and 218, whichever is greater, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for fees that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum fee be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, fees shall be assessed in accordance with the following table:

Basis for Computation Of Fees	Total Fee
0 to \$ 500	\$ 25
\$ 501 to \$ 1,000	\$ 50
\$ 1,000 to \$ 10,000	\$ 50, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 150, plus .35% of all in excess of \$ 10,000
\$ 500,000 to \$ 4,754,000	\$ 1,865, plus .25% of all in excess of \$ 500,000
\$ 4,754,000 and over	\$ 12,500

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for fees is less than ten thousand dollars and a full estate is opened, the minimum fee shall be one hundred fifty dollars.

(4) In estates where the gross taxable estate is less than six hundred thousand dollars, in which no succession tax return is required to be filed, a probate fee of .1 per cent shall be charged against non-solely-owned real estate, in addition to any other fees computed under this section.

[(d) For estates in which proceedings were commenced on or after July 1, 1993, and prior to April 1, 1998, costs shall be computed as follows:

(1) The basis for costs shall be: (A) The gross estate for succession tax purposes, as provided in section 12-349, or the inventory, including all supplements thereto, whichever is greater, plus (B) all damages recovered for injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum cost be less than ten dollars.

(2) Except as provided in subdivision (3) of this subsection, costs shall be assessed in accordance with the following table:

Basis for Computation Of Costs	Total Cost
0 to \$ 1,000	\$ 10. 00
\$ 1,000 to \$ 10,000	\$ 10, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 500,000	\$ 100, plus .30% of all in excess of \$ 10,000
\$ 500,000 to \$ 4,715,000	\$ 1,570, plus .20% of all in excess of \$ 500,000
\$ 4,715,000 and over	\$ 10,000

(3) If the basis for costs is less than ten thousand dollars and a full estate is opened, the minimum cost shall be one hundred dollars.

(e) For estates in which proceedings were commenced on or after July 1, 1983, and prior to July 1, 1993, costs shall be computed as follows:

(1) The basis for costs shall be: (A) The gross estate for succession tax purposes, as provided in section 12-349, minus one-third of the first fifty thousand dollars of any part of the gross estate for succession tax purposes that passes other than by will or under the laws of intestacy, plus (B) all damages recovered for injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages.

(2) Costs shall be assessed in accordance with the following table:

Basis for Computation Of Costs	Total Cost
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0 to \$ 1,000	\$ 10. 00
\$ 1,000 to \$ 10,000	\$ 10, plus 1% of all in excess of \$ 1,000
\$ 10,000 to \$ 100,000	\$ 100, plus .30% of all in excess of \$ 10,000
\$ 100,000 to \$ 200,000	\$ 370, plus .25% of all in excess of \$ 100,000
\$ 200,000 to \$ 500,000	\$ 620, plus .2% of all in excess of \$ 200,000
\$ 500,000 to \$ 1,000,000	\$ 1,220, plus .15% of all in excess of \$ 500,000
\$ 1,000,000 to \$ 5,000,000	\$ 1,970, plus .125% of all in excess of \$ 1,000,000
\$ 5,000,000 and over	\$ 6,970, plus .1% of all in excess of \$ 5,000,000]

[(f)] (d) A fee of fifty dollars shall be payable to the court by any creditor applying to the [Court of] Probate Court pursuant to section 45a-364 or 45a-401 for consideration of a claim. If such claim is allowed by the court, the court may order the fiduciary to reimburse the amount of such fee from the estate.

[(g)] (e) A fee of fifty dollars, plus the actual expenses of rescheduling the adjourned hearing that are payable under section 45a-109, as amended by this act, shall be payable to the court by any party who requests an adjournment of a scheduled hearing or whose failure to appear necessitates an adjournment, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the adjourned hearing, or both.

(f) A fee of two hundred fifty dollars shall be payable to the Probate Court by a petitioner filing a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court.

[(h) In] (g) Except as provided in subsections (d), (e) and (f) of this section, in no event shall any fee exceed ten thousand dollars for any estate in which proceedings were commenced prior to April 1, 1998, and twelve thousand five hundred dollars for any estate in which proceedings were commenced on or after April 1, 1998.

[(i)] (h) In the case of decedents who die on or after January 1, 2011:

(1) Any fees assessed under this section that are not paid within thirty days of the date of an invoice from the [court of probate] Probate Court shall bear interest at the rate of one-half of one per cent per month or portion thereof until paid;

(2) If a tax return or a copy of a tax return required under subparagraph (D) of subdivision (3) of subsection (b) of section 12-392 is not filed with a [court of] probate court by the due date for such return or copy under subdivision (1) of subsection (b) of section 12-392 or by the date an extension under subdivision (4) of subsection (b) of section 12-392 expires, the fees that would have been due under this section if such return or copy had been filed by such due date or expiration date shall bear interest at the rate of one-half of one per cent per month or portion thereof from the date that is thirty days after such due date or expiration date, whichever is later, until paid. If a return or copy is filed with a [court of] probate court on or before such due date or expiration date, whichever is later, the fees assessed shall bear interest as provided in subdivision (1) of this subsection;

(3) A [court of] probate court may extend the time for payment of any fees under this section, including interest, if it appears to the court that requiring payment by such due date or expiration date would cause undue hardship. No additional interest shall accrue during the period of such extension. A [court of] probate court may not waive interest outside of any extension period;

(4) The interest requirements in subdivisions (1) and (2) of this subsection shall not apply if:

(A) The basis for fees for the estate does not exceed forty thousand dollars; or

(B) The basis for fees for the estate does not exceed five hundred thousand dollars and any portion of the property included in the basis for fees passes to a surviving spouse.

Sec. 3. Section 45a-108 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(a) (1) Except with respect to a decedent's estate, the basic fees for all proceedings in connection with allowance and settlement of a periodic or other account, after notice and hearing, regardless of the date of origin of the estate in which such account is filed, shall be in accordance with the following schedule:

If the [book] <u>fiduciary acquisition</u> value or market value or receipts, whichever is larger, is:	Fee
Less than \$ 25,000	\$ 50.00
\$ 25,000 to \$ 375,000	.20% thereof
\$ 375,000 and over	\$ 750.00

(2) If more than one account is the subject of a hearing, the fees shall be based on the values in the most recent account being heard.

(b) For the purposes of this section, "fiduciary acquisition value" has the meaning set forth in the rules of procedure adopted under section 45a-78.

~~[(b)]~~ (c) A fee of fifty dollars, plus the actual expenses of rescheduling the adjourned hearing that are payable under section 45a-109, as amended by this act, shall be payable to the court by any party who requests an adjournment of a scheduled hearing or whose failure to appear necessitates an adjournment, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the adjourned hearing, or both.

(d) A fee of two hundred fifty dollars shall be payable to the Probate Court by a petitioner filing a motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court.

Sec. 4. Section 45a-105 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

The fees charged by ~~[(courts of)]~~ probate courts shall be uniform for all of the probate districts established by law. Fees shall be assessed in accordance with sections 45a-106 to 45a-112, inclusive, as amended by this act.

Sec. 5. Section 45a-109 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

In addition to the basic fees specified in sections 45a-106 to 45a-108, inclusive, as amended by this act, the following expenses shall be payable to the ~~[(courts of probate)]~~ Probate Courts: (1) For recording each page or fraction thereof after the first five pages of any one document, three dollars; (2) for each notice in excess of two with respect to any hearing or continued hearing, two dollars; (3) for any expenses incurred by the ~~[(court of probate)]~~ Probate Court for newspaper publication of notices, certified or registered mailing of notices, or for service of process or notice, the actual amount of the expenses so incurred; (4) for providing copies of any document from a file in the court of any matter within the jurisdiction of the court, five dollars for a copy of any such document up to five pages in length and one dollar per copy for each additional page or fractional part thereof as the case may be, except that there shall be furnished without charge to the fiduciary or, if none, to the petitioner with respect to any probate matter one uncertified copy of each decree, certificate or other court order setting forth the action of the court on any proceeding in such matter; (5) for certifying copies of any document from a file in the court of any matter before the court, five dollars per each copy certified for the first two pages of a document, and two dollars for each copy certified for each page after the second page of such

document, except that no charge shall be made for any copy certified or otherwise that the court is required by statute to make; (6) for retrieval of a file not located on the premises of the court, the actual expense or ten dollars, whichever is greater; (7) for copying probate records through the use of a hand-held scanner, as defined in section 1-212, twenty dollars per day; and (8) for providing a digital copy of an audio recording of a hearing, twenty-five dollars.

Sec. 6. Subsections (c) and (d) of section 45a-111 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

(c) If a petitioner or applicant to a [court of] probate court claims that unless his or her obligation to pay the fees and the necessary expenses of the action, including the expense of service of process, is waived, such petitioner or applicant will be deprived by reason of his or her indigency of his or her right to bring a petition or application to such court or that he or she is otherwise unable to pay the fees and necessary expenses of the action, he or she may file with the clerk of such [court of] probate court an application for waiver of payment of such fees and necessary expenses. Such application shall be signed under penalty of false statement, shall state the applicant's financial circumstances, and shall identify the fees and expenses sought to be waived and the approximate amount of each. If the court finds that the applicant is unable to pay such fees and expenses, it shall order such fees and expenses waived. If such expenses include the expense of service of process, the court, in its order, shall indicate the method of service authorized and the expense of such service shall be paid from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such expenses, such expenses shall be paid from the Probate Court Administration Fund.

(d) The court may, in its discretion, postpone payment of any entry fee or other fee or expense due under sections 45a-106 to 45a-112, inclusive, as amended by this act, and enter any matter if it appears to the court that to require such entry fee or other fee or expense to accompany submission of the matter would cause undue delay or hardship, but in such case the applicant, petitioner or moving party shall be liable for the entry fee and all other fees and expenses upon receipt of an invoice therefor from the court. ~~[of probate.]~~

Sec. 7. Section 45a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

When the state or any of its agencies is an applicant, petitioner or moving party commencing a matter in a [court of] probate court, or is otherwise liable for the fees or expenses under sections 45a-106 to 45a-112, inclusive, as amended by this act, the court shall accept such matter without the entry fee accompanying the filing thereof, and shall bill the entry fee or other fee or expense to the

appropriate agency for subsequent payment, which payment shall be due and payable upon receipt of such bill.

Sec. 8. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2014*):

Whenever a [probate](#) court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections 45a-106 to 45a-112, inclusive, [as amended by this act](#), the Probate Court Administrator shall, upon receipt of certification of such overpayment by the **[court of probate]** [probate court](#) that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

Signed by the Governor June 24, 2013



Substitute House Bill No. 6680

Public Act No. 13-212

AN ACT CONCERNING ACCESS TO JOINTLY OWNED ASSETS THAT ARE LOCATED IN A SAFE DEPOSIT BOX.

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

Section 1. (NEW) (*Effective October 1, 2013*) (a) Whenever the sole owner of a safe deposit box dies and no probate proceedings have been instituted for the estate of the deceased owner, any person showing a sufficient interest in the presence of jointly owned stocks, bonds, annuities or certificates of deposit may apply to the Probate Court in the district in which the deceased owner resided for an order to open the deceased owner's safe deposit box and to obtain an inventory of jointly owned stocks, bonds, annuities or certificates of deposit that may be contained therein. Not later than ten days after the date of receipt of such application, the Probate Court shall issue an order approving or denying the application. The Probate Court may issue such order ex parte. Upon a bank's receipt of an order approving the opening of a safe deposit box, the bank shall assign a bank officer to open the deceased owner's safe deposit box and complete an inventory of any items contained therein. The safe deposit box shall be opened and the inventory completed in the presence of a bank officer. When completing the inventory, the bank officer shall, to the extent practicable, identify the owners and any beneficiaries of jointly owned stocks, bonds, annuities or certificates of deposit. The bank officer shall make return of such order to the court identifying any items contained in the safe deposit box. The return of such order to the Probate Court shall be completed by a bank officer not later than ten days after the date of the bank's receipt of the order.

(b) Upon receipt of the bank officer's return under subsection (a) of this section, the Probate Court may issue a subsequent order authorizing the removal of jointly owned stocks, bonds, annuities or certificates of deposit from the deceased owner's safe deposit box by a person making application to the Probate Court pursuant to subsection (a) of this section. An order issued by the Probate Court under this subsection shall be issued not later than ten days after

the date of the receipt of the bank officer's return unless the Probate Court determines that, prior to allowing the removal of jointly owned stocks, bonds, annuities or certificates of deposit by the applicant, it is necessary for the court to provide notice and an opportunity to be heard to the heirs or beneficiaries identified under a will who may claim an ownership interest in property located in the safe deposit box that has been included in the bank officer's return. If the Probate Court determines that it is necessary to conduct a hearing under this subsection, such hearing shall be held not later than thirty days after the date of receipt of the bank officer's return. If the Probate Court issues an order under this subsection authorizing the removal of jointly owned stocks, bonds, annuities or certificates of deposit from the deceased owner's safe deposit box, such order shall require that the safe deposit box be opened in the presence of a bank officer. The bank officer shall make return to the court, identifying the jointly owned stocks, bonds, annuities or certificates of deposit removed from the safe deposit box and the name of the person who removed the items from the safe deposit box. The return of such order to the Probate Court shall be completed by a bank officer not later than ten days after the date of the bank's receipt of the order.

(c) A bank may charge a reasonable fee for the performance of the duties required by this section to the applicant.

Signed by the Governor June 24, 2013



Senate Bill No. 1094

Public Act No. 13-220

AN ACT CONCERNING REVISIONS TO THE GUN VIOLENCE PREVENTION AND CHILDREN'S SAFETY ACT.

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

Section 1. Section 23 of public act 13-3 is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section and section 24 of **[this act]** [public act 13-3, as amended by this act](#):

(1) "Large capacity magazine" means any firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or converted to accept, more than ten rounds of ammunition, but does not include: (A) A feeding device that has been permanently altered so that it cannot accommodate more than ten rounds of ammunition, (B) a .22 caliber tube ammunition feeding device, (C) a tubular magazine that is contained in a lever-action firearm, or (D) a magazine that is permanently inoperable;

(2) "Lawfully possesses", with respect to a large capacity magazine, means that a person has (A) actual and lawful possession of the large capacity magazine, **[or]** (B) constructive possession of the large capacity magazine pursuant to a lawful purchase of a firearm that contains a large capacity magazine that was transacted prior to **[the effective date of this section]** [or on April 4, 2013](#), regardless of whether the firearm was delivered to the purchaser prior to **[the effective date of this section]** [or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that \(i\) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the firearm, or \(ii\) full or partial payment for the firearm was made by the purchaser to the seller of the firearm prior to or on April 4, 2013, or \(C\) actual possession under subparagraph \(A\) of this subdivision, or constructive possession under](#)

subparagraph (B) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes; and

(3) "Licensed gun dealer" means a person who has a federal firearms license and a permit to sell firearms pursuant to section 29-28 of the general statutes, as amended by this act.

(b) Except as provided in this section, on and after ~~the effective date of this section~~ April 5, 2013, any person who, within this state, distributes, imports into this state, keeps for sale, offers or exposes for sale, or purchases a large capacity magazine shall be guilty of a class D felony. On and after ~~the effective date of this section~~ April 5, 2013, any person who, within this state, transfers a large capacity magazine, except as provided in subsection (f) of this section, shall be guilty of a class D felony.

(c) Except as provided in this section and section 24 of ~~this act~~ public act 13-3, as amended by this act: (1) Any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained prior to ~~the effective date of this section~~ April 5, 2013, shall commit an infraction and be fined not more than ninety dollars for a first offense and shall be guilty of a class D felony for any subsequent offense, and (2) any person who possesses a large capacity magazine on or after January 1, 2014, that was obtained on or after ~~the effective date of this section~~ April 5, 2013, shall be guilty of a class D felony.

(d) A large capacity magazine may be possessed, purchased or imported by:

(1) ~~Members or employees of the~~ The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States; ~~for use in the discharge of their official duties or when off duty~~

(2) A sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5 of the general statutes, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty;

(3) A member of the military or naval forces of this state or of the United States;

~~[(2) Employees of a]~~ (4) A nuclear facility licensed by the United States Nuclear Regulatory Commission ~~[licensee operating a nuclear power generating facility in this state]~~ for the purpose of providing security services at such facility, or any ~~[person, firm, corporation,]~~ contractor or subcontractor of such facility for the purpose of providing security services at such facility; ~~[or]~~

(5) Any person who is sworn and acts as a policeman on behalf of an armored car service pursuant to section 29-20 of the general statutes, in the discharge of such person's official duties; or

~~[(3)]~~ (6) Any person, firm or corporation engaged in the business of manufacturing large capacity magazines in this state that manufactures, purchases, tests or transports large capacity magazines in this state for sale within this state to persons specified in [subdivision (1) or (2)] subdivisions (1) to (5), inclusive, of this subsection or for sale outside this state, or a federally-licensed firearm manufacturer engaged in the business of manufacturing firearms or large capacity magazines in this state that manufactures, purchases, tests or transports firearms or large capacity magazines in this state for sale within this state to persons specified in subdivisions (1) to (5), inclusive, of this subsection or for sale outside this state.

(e) A large capacity magazine may be possessed by:

(1) A licensed gun dealer;

(2) A gunsmith who is in a licensed gun dealer's employ, who possesses such large capacity magazine for the purpose of servicing or repairing a lawfully possessed large capacity magazine;

(3) A person, firm, corporation or federally-licensed firearm manufacturer described in subdivision (6) of subsection (d) of this section that possesses a large capacity magazine that is lawfully possessed by another person for the purpose of servicing or repairing the large capacity magazine;

~~[(3)]~~ (4) Any person who has declared possession of the magazine pursuant to section 24 of [this act] public act 13-3, as amended by this act; or

~~[(4)]~~ (5) Any person who is the executor or administrator of an estate that includes a large capacity magazine, or the trustee of a trust that includes a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of [this act] public act 13-3, as amended by this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by this section and section 24 of [this act] public act 13-3, as amended by this act.

(f) Subsection (b) of this section shall not prohibit:

(1) The transfer ~~[by bequest or intestate succession]~~ of a large capacity magazine, the possession of which has been declared to the Department of Emergency Services and Public Protection pursuant to section 24 of ~~[this act]~~ public act 13-3, as amended by this act, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary;

(2) The transfer of a large capacity magazine to a police department or the Department of Emergency Services and Public Protection; ~~[or]~~

(3) The transfer of a large capacity magazine to a licensed gun dealer in accordance with section 24 of ~~[this act]~~ public act 13-3, as amended by this act;
or

(4) The transfer of a large capacity magazine prior to October 1, 2013, from a licensed gun dealer, pawnbroker licensed under section 21-40 of the general statutes, or consignment shop operator, as defined in section 21-39a of the general statutes, to any person who (A) possessed the large capacity magazine prior to or on April 4, 2013, (B) placed a firearm that such person legally possessed, with the large capacity magazine included or attached, in the possession of such dealer, pawnbroker or operator prior to or on April 4, 2013, pursuant to an agreement between such person and such dealer, pawnbroker or operator for the sale of the firearm to a third person, and (C) is eligible to possess the firearm on the date of such transfer.

(g) If the court finds that a violation of this section is not of a serious nature and that the person charged with such violation (1) will probably not offend in the future, (2) has not previously been convicted of a violation of this section, and (3) has not previously had a prosecution under this section suspended pursuant to this subsection, it may order suspension of prosecution in accordance with the provisions of subsection (h) of section 29-33 of the general statutes, as amended by ~~[this act]~~ public act 13-3.

Sec. 5. Subsection (b) of section 53-202b of the general statutes, as amended by section 26 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The provisions of subsection (a) of this section shall not apply to:

(1) The sale of assault weapons to: (A) ~~[the]~~ The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States; ~~[, for use in the discharge of their~~

official duties or when off duty] (B) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, pursuant to a letter on the letterhead of such department, division, commissioner or authority authorizing the purchase and stating that the sworn member, inspector, officer or constable will use the assault weapon in the discharge of official duties, and that a records check indicates that the sworn member, inspector, officer or constable has not been convicted of a crime of family violence, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (C) a member of the military or naval forces of this state or of the United States, or [(B) any employee of a] (D) a nuclear facility licensed by the United States Nuclear Regulatory Commission [licensee operating a nuclear power generating facility in this state] for the purpose of providing security services at such facility, or any [person, firm, corporation,] contractor or subcontractor of such facility for the purpose of providing security services at such facility; [for use in the discharge of their official duties;]

(2) A person who is the executor or administrator of an estate that includes an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by [this act] public act 13-3, as amended by this act, which is disposed of as authorized by the Probate Court, if the disposition is otherwise permitted by sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act;

(3) The transfer [by bequest or intestate succession] of an assault weapon for which a certificate of possession has been issued under section 53-202d, as amended by [this act] public act 13-3, as amended by this act, by bequest or intestate succession, or, upon the death of a testator or settlor: (A) To a trust, or (B) from a trust to a beneficiary who is eligible to possess the assault weapon;

(4) The sale of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under this subdivision, and for which the purchaser signs a form prescribed by the commissioner and provided by the seller that indicates that the

pistol will be used by the purchaser primarily for target shooting practice and events. The Commissioner of Emergency Services and Public Protection shall adopt regulations, in accordance with chapter 54, to designate semiautomatic pistols that are defined as assault weapons in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by public act 13-3, as amended by this act, that may be sold pursuant to this subdivision, provided the use of such pistols is sanctioned by the International Olympic Committee and USA Shooting, or any subsequent corresponding governing board for international shooting competition in the United States.

Sec. 6. Section 53-202c of the general statutes, as amended by section 27 of public act 13-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in section 53-202e, any person who, within this state, possesses an assault weapon, except as provided in sections 53-202a to 53-202k, inclusive, as amended by ~~[this act]~~ public act 13-3, as amended by this act, and 53-202o, shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced by the court, except that a first-time violation of this subsection shall be a class A misdemeanor if (1) the person presents proof that such person lawfully possessed the assault weapon (A) prior to October 1, 1993, with respect to an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by ~~[this act]~~ public act 13-3, as amended by this act, or (B) on ~~[the date immediately preceding the effective date of this act]~~ April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by ~~[this act]~~ public act 13-3, as amended by this act, and (2) the person has otherwise possessed the assault weapon in compliance with subsection (f) of section 53-202d, as amended by ~~[this act]~~ public act 13-3, as amended by this act.

(b) The provisions of subsection (a) of this section shall not apply to the possession of assault weapons by: ~~[members or employees of the]~~ (1) The Department of Emergency Services and Public Protection, police departments, the Department of Correction, the Division of Criminal Justice, the Department of Motor Vehicles, the Department of Energy and Environmental Protection or the military or naval forces of this state or of the United States, [any employee of a] (2) a sworn and duly certified member of an organized police department, the Division of State Police within the Department of Emergency Services and Public Protection or the Department of Correction, a chief inspector or inspector in the Division of Criminal Justice, a salaried inspector of motor vehicles designated by the Commissioner of Motor Vehicles, a conservation officer or special conservation officer appointed by the Commissioner of Energy and Environmental Protection pursuant to section 26-5, or a constable who is certified

by the Police Officer Standards and Training Council and appointed by the chief executive authority of a town, city or borough to perform criminal law enforcement duties, for use by such sworn member, inspector, officer or constable in the discharge of such sworn member's, inspector's, officer's or constable's official duties or when off duty, (3) a member of the military or naval forces of this state or of the United States, or (4) a nuclear facility licensed by the United States Nuclear Regulatory Commission [licensee operating a nuclear power generating facility in this state] for the purpose of providing security services at such facility, or any [person, firm, corporation,] contractor or subcontractor of such facility for the purpose of providing security services at such facility. [for use in the discharge of their official duties; nor shall any provision in sections 53-202a to 53-202k, inclusive, as amended by this act, prohibit the possession or use of assault weapons by sworn members of these agencies when on duty and when the possession or use is within the scope of such member's duties.]

(c) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in subparagraph (A) of subdivision (1) of section 53-202a, as amended by [this act] public act 13-3, by any person prior to July 1, 1994, if all of the following are applicable:

(1) The person is eligible under sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act, to apply for a certificate of possession for the assault weapon by July 1, 1994;

(2) The person lawfully possessed the assault weapon prior to October 1, 1993; and

(3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act.

(d) The provisions of subsection (a) of this section shall not apply to the possession of an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of subdivision (1) of section 53-202a, as amended by [this act] public act 13-3, as amended by this act, by any person prior to [the effective date of this section] April 5, 2013, if all of the following are applicable:

(1) The person is eligible under sections 53-202a to 53-202k, inclusive, as amended by [this act] public act 13-3, as amended by this act, to apply for a certificate of possession for the assault weapon by January 1, 2014;

(2) The person lawfully possessed the assault weapon on [the date immediately preceding the effective date of this section] April 4, 2013, under the provisions of sections 53-202a to 53-202k, inclusive, in effect on January 1, 2013; and

(3) The person is otherwise in compliance with sections 53-202a to 53-202k, inclusive, as amended by [\[this act\] public act 13-3, as amended by this act](#).

(e) The provisions of subsection (a) of this section shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon, [or the trustee of a trust that includes an assault weapon](#), for which a certificate of possession has been issued under section 53-202d, as amended by [\[this act\] public act 13-3, as amended by this act](#), if the assault weapon is possessed at a place set forth in subdivision (1) of subsection (f) of section 53-202d, as amended by [\[this act\] public act 13-3](#), or as authorized by the Probate Court.

[\(f\) The provisions of subsection \(a\) of this section shall not apply to the possession of a semiautomatic pistol that is defined as an assault weapon in any provision of subparagraphs \(B\) to \(F\), inclusive, of subdivision \(1\) of section 53-202a, as amended by public act 13-3, as amended by this act, that the Commissioner of Emergency Services and Public Protection designates as being designed expressly for use in target shooting events at the Olympic games sponsored by the International Olympic Committee pursuant to regulations adopted under subdivision \(4\) of subsection \(b\) of section 53-202b, as amended by public act 13-3, as amended by this act, that is \(1\) possessed and transported in accordance with subsection \(f\) of section 53-202d, as amended by public act 13-3, as amended by this act, or \(2\) possessed at or transported to or from a collegiate, Olympic or target pistol shooting competition in this state which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms, provided such pistol is transported in the manner prescribed in subsection \(a\) of section 53-202f, as amended by public act 13-3, as amended by this act.](#)

Sec. 20. Section 45a-100 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Any person having a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the probate court for the district in which such person resides for relief from the federal firearms disability that resulted from such adjudication or commitment.

(b) The petitioner shall submit to the Probate Court, together with the petition and the releases required by subsection (d) of this section, information in support of the petition, including, but not limited to:

(1) Certified copies of medical records detailing the petitioner's psychiatric history where applicable, including records pertaining to the specific adjudication or commitment that is the subject of the petition;

- (2) Certified copies of medical records from all of the petitioner's current treatment providers, if the petitioner is receiving treatment;
 - (3) A certified copy of all criminal history information maintained on file by the State Police Bureau of Identification and the Federal Bureau of Investigation pertaining to the petitioner or a copy of the response from said bureaus indicating that there is no criminal history information on file;
 - (4) Evidence of the petitioner's reputation, which may include notarized letters of reference from current and past employers, family members or personal friends, affidavits from the petitioner or other character evidence; and
 - (5) Any further information or documents specifically requested by the court, which documents shall be certified copies of original documents.
- (c) The petitioner shall cause a copy of the petition and all supporting documents submitted to the Probate Court pursuant to subsection (b) of this section to be delivered to the Commissioner of Emergency Services and Public Protection and shall certify to the Probate Court that such delivery has been made.
- (d) The petitioner shall provide for the release of all of the petitioner's records that may relate to the petition, including, but not limited to, health, mental health, military, immigration, juvenile court, civil court and criminal records, on forms prescribed by the Probate Court Administrator. The releases shall authorize the Commissioner of Emergency Services and Public Protection to obtain any of such records for use at the Probate Court hearing or in any appeal from the decision of the Probate Court.
- (e) The petitioner shall ensure that all required information accompanies the petition at the time it is submitted to the court. Unless specifically requested by the court, information provided after receipt of the petition by the court shall not be considered. Information specifically requested by the court must be received by the court no later than fifteen days after the date of the request in order for the information to be considered. The court may extend such time period for good cause shown. Failure to provide the requested information within such time period may result in a denial of the petition.
- (f) Upon the filing of the petition, the Probate Court shall set a date, time and place for a hearing and shall give notice of such hearing to (1) the petitioner, (2) the Commissioner of Emergency Services and Public Protection, (3) the court that rendered the adjudication or commitment, (4) the conservator appointed for the petitioner, if any, and (5) any other person determined by the court to have an interest in the matter.
- (g) The court shall cause a recording of the testimony given at such hearing to be made. Such recording shall be transcribed only in the event of an appeal from

the decision rendered by the Probate Court under this section. A copy of such transcript shall be furnished without charge to any appellant whom the Probate Court finds is unable to pay for such copy. The cost of such transcript shall be paid from funds appropriated to the Judicial Department.

(h) The petitioner shall have the burden of establishing by clear and convincing evidence that (1) the petitioner is not likely to act in a manner that is dangerous to public safety, and (2) granting relief from the federal firearms disability is not contrary to the public interest. The Commissioner of Emergency Services and Public Protection and any other person determined by the court to have an interest in the matter may present any and all relevant information at the Probate Court hearing and in any appeal to the Superior Court.

(i) In determining whether to grant relief under this section, the court shall consider the following:

(1) The circumstances regarding the firearms disability imposed by 18 USC 922(d)(4) and 18 USC 922(g)(4);

(2) The petitioner's record, which shall include, at a minimum, the petitioner's mental health records and criminal history records, if any;

(3) The petitioner's reputation, which the petitioner must demonstrate through character witness statements, testimony or other character evidence; and

(4) Any other relevant information provided by the petitioner, the Commissioner of Emergency Services and Public Protection or any other person determined by the court to have an interest in the matter.

(j) The court shall grant relief under this section if it finds by clear and convincing evidence that: (1) The petitioner will not be likely to act in a manner dangerous to public safety, and (2) granting the relief will not be contrary to the public interest. The court shall include in its decision the specific findings of fact on which it bases its decision.

(k) Notwithstanding the provisions of subsection (j) of this section, the court shall not grant relief under this section if it finds that the petitioner is otherwise prohibited from possessing a firearm pursuant to section 53a-217, as amended by public act 13-3.

[(k)] (l) The petitioner or the Commissioner of Emergency Services and Public Protection may appeal the final decision of the Probate Court to the Superior Court in accordance with the provisions of section 45a-186. Notwithstanding any other provision of the general statutes, any review of the decision of the Probate Court by the Superior Court shall be de novo.

[(l)] (m) Enforcement of any decision of the Probate Court granting relief pursuant to the petition shall be stayed until the period in which to take an appeal under section 45a-186 has expired or, if an appeal is taken, until the final decision of the court. If the court grants the relief and no appeal is taken or an appeal is taken and the decision is upheld, the court granting relief shall notify the Commissioner of Emergency Services and Public Protection of that decision.

[(m)] (n) As soon as practicable after receiving notice of the decision of the court granting relief, the Commissioner of Emergency Services and Public Protection shall (1) coordinate the removal or cancellation of the record in the National Instant Criminal Background Check System (NICS), and (2) notify the Attorney General of the United States that the basis of the record no longer applies.

[(n)] (o) All proceedings in the Probate Court under the provisions of this section shall be closed to the public and all records of the proceedings shall be confidential and not subject to disclosure except to the petitioner or his or her counsel and the Commissioner of Emergency Services and Public Protection, unless the Probate Court, after notice to the parties and a hearing, determines that such records should be disclosed for good cause shown.

Signed by the Governor June 18, 2013



House Bill No. 6705

Public Act No. 13-234

**AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET
RECOMMENDATIONS FOR HOUSING, HUMAN SERVICES AND PUBLIC
HEALTH.**

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

Sec. 128. (NEW) (*Effective October 1, 2013*) (a) For purposes of this section and sections 129 and 130 of this act, (1) "nursing home facility" means a chronic and convalescent nursing home and a rest home with nursing supervision, and (2) "penalty period" means the period of Medicaid ineligibility imposed pursuant to 42 USC 1396p(c), as amended from time to time, on a person whose assets have been transferred for less than fair market value for the purposes of obtaining or maintaining Medicaid eligibility.

(b) Any transfer or assignment of assets resulting in the establishment or imposition of a penalty period shall create a debt, as defined in section 36a-645 of the general statutes, that shall be due and owing to a nursing home facility for the unpaid cost of care provided during the penalty period to a nursing home facility resident who has been subject to the penalty period. The amount of the debt established shall not exceed the fair market value of the transferred assets at the time of transfer that are the subject of the penalty period.

(c) The provisions of this section shall not affect other rights or remedies of the parties. A nursing home facility may bring an action to collect a debt for unpaid care given to a resident who has been subject to a penalty period, provided (1) the debt recovery does not exceed the fair market value of the transferred asset at the time of transfer, and (2) the asset transfer that triggered the penalty period took place not earlier than two years prior to the date of the resident's Medicaid application. The nursing home facility may bring such action against (A) the transferor, or (B) the transferee.

(d) In actions brought under subsection (c) of this section, a court of competent jurisdiction may award actual damages, court costs and reasonable attorneys'

fees to a nursing home facility if such court determines, based upon clear and convincing evidence, that a defendant incurred a debt to a nursing home facility by (1) wilfully transferring assets that are the subject of a penalty period, (2) receiving such assets with knowledge of such purpose, or (3) making a material misrepresentation or omission concerning such assets. Court costs and reasonable attorneys' fees shall be awarded as a matter of law to a defendant who successfully defends an action or a counterclaim brought pursuant to this section. Any court, including a probate court acting under subdivision (3) of subsection (a) of section 45a-98 of the general statutes or section 45a-364 of the general statutes, may also order that such assets or proceeds from the transfer of such assets be held in constructive trust to satisfy such debt.

(e) The provisions of this section shall not apply to a conservator who transfers income or principal with the approval of the Probate Court under subsection (d) or (e) of section 45a-655 of the general statutes.

Sec. 129. (NEW) (*Effective October 1, 2013*) (a) For purposes of this section, "applied income" means the income of a recipient of medical assistance, pursuant to section 17b-261 of the general statutes, as amended by this act, that is required, after the exhaustion of all appeals and in accordance with state and federal law, to be paid to a nursing home facility for the cost of care and services.

(b) In determining the amount of applied income, the Department of Social Services shall take into consideration any modification to the applied income due to revisions in a medical assistance recipient's community spouse minimum monthly needs allowance, as described in Section 1924 of the Social Security Act, and any other modification to applied income allowed by state or federal law.

(c) A nursing home facility shall provide written notice to a recipient of medical assistance and any person authorized under law to be in control of such recipient's applied income (1) of the amount of applied income due pursuant to subsections (a) and (b) of this section, (2) of the recipient's legal obligation to pay such applied income to the nursing home facility, and (3) that the recipient's failure to pay applied income due to a nursing home facility not later than ninety days after receiving such notice from the nursing home facility may result in a civil action in accordance with this section.

(d) Pursuant to the notice provisions of subsections (c) and (f) of this section, a nursing home facility that is owed applied income may, in addition to all other remedies authorized under statutory and common law, bring a civil action to recover the applied income, provided the nursing home facility shall not commence such action against a recipient of medical assistance who has asserted that the applied income is needed to increase the minimum monthly needs allowance of the recipient's community spouse, pursuant to 42 USC 1396r-5(e)(2)(B). In such case, the nursing home facility may not commence such action until the recipient, the recipient's community spouse or the legal

representative of either has exhausted their appeal rights before the Department of Social Services and in court. A nursing home facility may bring such action against (1) a medical assistance recipient who owes the applied income, or (2) a person with legal access to such recipient's applied income who acted with the intent to (A) deprive such recipient of the applied income, or (B) appropriate the applied income for himself, herself or a third person.

(e) If a court of competent jurisdiction determines, based upon clear and convincing evidence, that a defendant wilfully failed to pay or withheld applied income due and owing to a nursing home facility for more than ninety days after receiving notice pursuant to subsection (c) of this section, the court may award the amount of the debt owed, court costs and reasonable attorneys' fees to the nursing home facility. Court costs and reasonable attorneys' fees shall be awarded as a matter of law to a defendant who successfully defends an action or a counterclaim brought pursuant to this section. The provisions of this section shall not apply to a conservator who transfers income or principal with the approval of the Probate Court under subsection (d) or (e) of section 45a-655 of the general statutes.

(f) A nursing home facility shall not file any action under this section until (1) thirty days after it has given written notice of such action to any person who received notice pursuant to subsection (c) of this section, or (2) ninety-one days after it has given written notice of such action and the information required by subsection (c) of this section to any person who has not received notice pursuant to subsection (c) of this section.

Sec. 130. (NEW) (*Effective October 1, 2013*) Upon commencement of any action brought under section 128 or 129 of this act, a nursing home facility shall mail a copy of the complaint to the Attorney General and the Commissioner of Social Services and, upon entry of any judgment or decree in the action, shall mail a copy of such judgment or decree to the Attorney General and the Commissioner of Social Services.

Signed by the Governor June 19, 2013



House Bill No. 6704

Public Act No. 13-184

AN ACT CONCERNING EXPENDITURES AND REVENUE FOR THE BIENNIUM ENDING JUNE 30, 2015.

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

Section 1. (*Effective July 1, 2013*) The following sums are appropriated from the GENERAL FUND for the annual periods indicated for the purposes described.

	2013-2014	2014-2015
Probate Court	9,350,000	10,750,000

Sec. 89. (*Effective from passage*) Notwithstanding the provisions of section 45a-82 of the general statutes, the sum of \$ 1,000,000 shall be transferred from the Probate Court Administration Fund established pursuant to section 45a-82 of the general statutes, and credited to the resources of the General Fund for the fiscal year ending June 30, 2014.

Signed by the Governor June 18, 2013



House Bill No. 6706

Public Act No. 13-247

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2015 CONCERNING GENERAL GOVERNMENT.

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

Section 1. (*Effective July 1, 2013*) The following sums are appropriated from the GENERAL FUND for the annual periods indicated for the purposes described.

	2013-2014	2014-2015
Probate Court	9,350,000	10,750,000

Sec. 47. Section 17b-751 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There is established a Children's Trust Fund, the resources of which shall be used by ~~the council established pursuant to subsection (b) of this section and~~ the Commissioner of Social Services ~~with the advice of the Children's Trust Fund Council~~ to fund programs aimed at preventing child abuse and neglect and family resource programs. Said fund is intended to be in addition to those resources that would otherwise be appropriated by the state for programs aimed at preventing child abuse and neglect and family resource programs. The ~~Children's Trust Fund Council and the~~ commissioner may apply for and accept any federal funds which are available for a Children's Trust Fund and shall administer such funds in the manner required by federal law. The fund shall receive money from grants and gifts made pursuant to section 17a-18. The ~~Children's Trust Fund Council and the~~ commissioner may solicit and accept funds, on behalf of the Children's Trust Fund, to be used for the prevention of child abuse and neglect and family resource programs. The Commissioner of Social Services ~~[, with the advice of the Children's Trust Fund Council,]~~ shall adopt regulations, in accordance with the provisions of chapter 54, to administer the fund and to set eligibility requirements for programs seeking funding. Youth service bureaus may receive funds from the Children's Trust Fund.

[(b) There shall be established, within existing resources, a Children's Trust Fund Council which shall be within the Department of Social Services. The council shall be composed of sixteen members as follows: (1) The Commissioners of Social Services, Education, Children and Families and Public Health, or their designees; (2) a representative of the business community with experience in fund-raising, appointed by the president pro tempore of the Senate; (3) a representative of the business community with experience in fund-raising, appointed by the speaker of the House of Representatives; (4) a representative of the business community with experience in fund-raising, appointed by the minority leader of the House of Representatives; (5) a representative of the business community with experience in fund-raising, appointed by the minority leader of the Senate; (6) a parent, appointed by the majority leader of the House of Representatives; (7) a parent, appointed by the majority leader of the Senate; (8) a parent, appointed by the president pro tempore of the Senate; (9) a person with expertise in child abuse prevention, appointed by the speaker of the House of Representatives; (10) a person with expertise in child abuse prevention, appointed by the minority leader of the House of Representatives; (11) a staff member of a child abuse prevention program, appointed by the minority leader of the Senate; (12) a staff member of a child abuse prevention program, appointed by the majority leader of the House of Representatives; and (13) a pediatrician, appointed by the majority leader of the Senate. The council shall solicit and accept funds, on behalf of the Children's Trust Fund, to be used for the prevention of child abuse and neglect and family resource programs, and shall make grants to programs pursuant to subsection (a) of this section.]

[(c)] (b) On or before July 1, 2010, and annually thereafter, the [Children's Trust Fund Council and the] commissioner shall report, in accordance with the provisions of section 11-4a, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to human services, public health and education concerning the source and amount of funds received by the Children's Trust Fund, and the manner in which such funds were administered and disbursed.

Sec. 48. Section 17b-751a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

A grandparent or other relative caregiver who is appointed a guardian of a child or children through the Superior Court and who is not a recipient of subsidized guardianship subsidies under section 17a-126 or foster care payments from the Department of Children and Families shall, within available appropriations, be eligible to apply for grants under the Kinship Fund and Grandparents and Relatives Respite Fund administered by [the Children's Trust Fund Council and] the Department of Social Services through the Probate Court.

Sec. 49. Section 17b-751d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Department of Social Services shall be the lead state agency for community-based, prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect. **[, in collaboration with the Children's Trust Fund Council, established pursuant to section 17b-751.]** The responsibilities of the department shall include, but not be limited to, collaborating with state agencies, hospitals, clinics, schools and community service organizations, **[with the guidance of the Children's Trust Fund Council, established pursuant to section 17b-751,]** to: (1) Initiate programs to support families at risk for child abuse or neglect; (2) assist organizations to recognize child abuse and neglect; (3) encourage community safety; (4) increase broad-based efforts to prevent child abuse and neglect; (5) create a network of agencies to advance child abuse and neglect prevention; and (6) increase public awareness of child abuse and neglect issues. The department, **[with the guidance of the Children's Trust Fund Council and]** subject to available state, federal and private funding, shall be responsible for implementing and maintaining programs and services, including, but not limited to: (A) The Nurturing Families Network, established pursuant to subsection (a) of section 17b-751b, as amended by this act; (B) Family Empowerment Initiative programs; (C) Help Me Grow; (D) the Kinship Fund and Grandparent's Respite Fund; (E) Family School Connection; (F) support services for residents of a respite group home for girls; (G) legal services on behalf of indigent children; (H) volunteer services; (I) family development training; (J) shaken baby syndrome prevention; and (K) child sexual abuse prevention.

(b) Not later than sixty days after October 5, 2009, the Commissioner of Social Services shall report, in accordance with section 11-4a, to the joint standing committees of the General Assembly, having cognizance of matters relating to human services and appropriations and the budgets of state agencies on the integration of the duties described in subsection (a) of this section into the department.

Sec. 50. Section 17b-751b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The **[Children's Trust Fund Council]** executive director of the Office of Early Childhood shall establish the structure for a state-wide system for a Nurturing Families Network, which demonstrates the benefits of preventive services by significantly reducing the abuse and neglect of infants and by enhancing parent-child relationships through hospital-based assessment with home outreach follow-up on infants and their families within families identified as high risk.

(b) The **[Children's Trust Fund Council]** executive director of the Office of Early Childhood shall: (1) Develop the comprehensive risk assessment to be used by the Nurturing Families Network's providers; (2) develop the training program, standards, and protocols for the pilot programs; and (3) develop, issue and evaluate requests for proposals to procure the services required by this section.

In evaluating the proposals, the **[Children's Trust Fund Council]** executive director shall take into consideration the most effective and consistent service delivery system allowing for the continuation of current public and private programs.

(c) The **[Children's Trust Fund Council]** executive director of the Office of Early Childhood shall establish a data system to enable the programs to document the following information in a standard manner: (1) The level of screening and assessment; (2) profiles of risk and family demographics; (3) the incidence of child abuse and neglect; (4) rates of child development; and (5) any other information the **[Children's Trust Fund Council]** commissioner deems appropriate.

(d) The **[Children's Trust Fund Council]** executive director shall report to the General Assembly, in accordance with the provisions of section 11-4a, on the establishment, implementation and progress of the Nurturing Families Network, on January first and July first, of each year.

Sec. 55. Subsection (j) of section 45a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(j) There shall be transferred from time to time from the Probate Court Administration Fund such budgeted amounts as are established in accordance with section 45a-85 or such expenditures as are authorized pursuant to subsection (c) of section 45a-84 for the proper administration of each court of probate. Notwithstanding any provision of the general statutes, on June 30, **[2011]** 2013, and annually thereafter, any **[surplus funds]** balance in the Probate Court Administration Fund in excess of an amount equal to fifteen per cent of the total expenditures authorized pursuant to subsection (a) of section 45a-84 for the immediately succeeding fiscal year shall be transferred to the General Fund.

Sec. 65. (NEW) (*Effective July 1, 2013*) Each court of probate may allow the payment of any fees charged by such court by means of a credit card, charge card or debit card and may charge the person making such payment a service fee for any such payment made by any such card. The fee shall not exceed any charge by the card issuer, including any discount rate.

Signed by the Governor June 19, 2013



Substitute House Bill No. 6694

Public Act No. 13-301

AN ACT CONCERNING THE INHERITANCE RIGHTS OF A CHILD WHO IS BORN AFTER THE DEATH OF A MARRIED PARENT.

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

Section 1. (NEW) (*Effective October 1, 2013*) (a) For purposes of determining rights to property to be distributed upon the death of a decedent, a child of the decedent conceived and born after the death of the decedent shall be deemed to have been born in the lifetime of the decedent and after the execution of all of the decedent's testamentary instruments, if:

(1) The decedent executed a written document that: (A) Specifically set forth that his sperm or her eggs may be used for the posthumous conception of a child, (B) specifically provided his or her spouse with authority to exercise custody, control and use of the sperm or eggs in the event of his or her death, and (C) was signed and dated by the decedent and the surviving spouse; and

(2) The child posthumously conceived using the decedent's sperm or eggs was in utero not later than one year after the date of death of the decedent spouse.

(b) The surviving spouse of a decedent who has executed a document described in subsection (a) of this section shall provide a copy of such document to (1) the fiduciary of the decedent's estate, if a Probate Court has admitted the decedent's will to probate or granted administration of the decedent's estate, or (2) to the person filing an affidavit or statement in lieu of administration, if the estate is being settled under section 45a-273 of the general statutes, not later than thirty days after the date of the decedent's death, appointment of a first fiduciary, or filing of an affidavit or statement in lieu of administration, whichever is latest. Not later than thirty days after the date of receipt of such document, the fiduciary of the decedent's estate or person filing an affidavit or statement in lieu of administration shall provide written notification of the existence of such document to the court. In the absence of being in possession of a document described in

subsection (a) of this section, if the fiduciary of the decedent's estate or person filing an affidavit or statement in lieu of administration has actual knowledge that the decedent, during his or her lifetime, preserved sperm or eggs, or executed a document described in subsection (a) of this section, such fiduciary or person shall provide written notification to the court. The failure of a surviving spouse, fiduciary or person filing an affidavit or statement in lieu of administration to comply with the notice requirements prescribed in this subsection shall not impair a child's right to property under subsection (a) of this section.

(c) Except as provided in section 4 of this act, the Probate Court having jurisdiction of the estate of the decedent, or if no probate proceedings have been commenced, the Probate Court for the district in which the decedent was domiciled at the time of death, shall have jurisdiction over any dispute relating to the rights to property of a child conceived and born after the death of a decedent, whether or not the property is part of the probate estate. A child or person acting on behalf of a child who claims rights to the property of a decedent under subsection (a) of this section shall prove such claim by clear and convincing evidence.

Sec. 2. Section 45a-262 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

[\(a\)](#) The words "child", "children", "issue", "descendants", "descendant", "heirs", "heir", "unlawful heirs", "grandchild" and "grandchildren", when used in the singular or plural in any will or trust instrument, shall, unless such document clearly indicates a contrary intention, be deemed to include children born as a result of A. I. D. The provisions of this [\[section\]](#) [subsection](#) shall apply to wills and trust instruments whether or not executed before, on or after October 1, 1975, unless the instrument indicates an intent to the contrary.

[\(b\)](#) The words "child", "children", "issue", "descendants", "descendant", "heirs", "heir", "unlawful heirs", "grandchild" and "grandchildren", when used in the singular or plural in any will or trust instrument, shall, unless such document clearly indicates a contrary intention, be deemed to include children born after the death of the decedent, as provided in subsection (a) of section 1 of this act. The provisions of this subsection shall apply to wills and trust instruments whether or not executed before, on or after October 1, 2013, unless the instrument indicates an intent to the contrary.

Sec. 3. (NEW) (*Effective October 1, 2013*) No fiduciary shall be personally chargeable for any assets that a fiduciary may have distributed to any beneficiary or heir when it is determined after the fiduciary made distributions that a child born after the death of the decedent, as provided in subsection (a) of section 1 of this act, is entitled to property from the estate, unless: (1) In accordance with the requirements of subsection (b) of section 1 of this act, the surviving spouse of the decedent provided the fiduciary with a copy of a document executed by the

decedent in accordance with the requirements of subsection (a) of section 1 of this act, (2) the fiduciary had actual knowledge at the time of the distributions that the decedent, during his or her lifetime, preserved sperm or eggs or executed a document described in subsection (a) of section 1 of this act, or (3) not later than one hundred fifty days after the date of the appointment of the first fiduciary, a person acting on behalf of the child provided written notice to the fiduciary that a child meeting the requirements of subsection (a) of section 1 of this act has been or may be conceived.

Sec. 4. (NEW) (*Effective October 1, 2013*) (a) Following final distribution of all assets known to a fiduciary, if an action is brought in the Superior Court by a child or on behalf of a child claiming rights to property under subsection (a) of section 1 of this act, a beneficiary shall be liable, in such action brought by or on behalf of such child, to the extent of the fair market value on the date of distribution of any assets received by such beneficiary from the estate of a decedent, for the property to which the child is entitled and which has not previously been recovered out of assets held by the fiduciary or from any other source described in subsection (b) of this section. For purposes of this section, the date of distribution of real estate specifically devised and real estate passing under the laws of descent and distribution shall be the date of the decedent's death.

(b) No liability may be imposed upon any such beneficiary under subsection (a) of this section, unless the plaintiff establishes to the court that the obligation to the plaintiff cannot be fully satisfied: (1) Because there are insufficient assets available for such purpose in the hands of the fiduciary; and (2) by action against persons prior in liability to the beneficiary under subsections (a), (b) and (c) of section 45a-369 of the general statutes, because such persons are insolvent or for any other reason, other than not being amenable to suit in this state, cannot be made to answer for their liabilities.

Sec. 5. (NEW) (*Effective October 1, 2013*) The maximum liability to which a beneficiary is subject under subsection (a) of section 4 of this act is the beneficiary's ratable obligation, in the proportion that the value of the assets passing to the beneficiary bears to the value of all such assets passing to beneficiaries within the same order of liability as the beneficiary under subsection (a) of section 45a-369 of the general statutes, and no judgment may be had or entered in favor of any plaintiff against any such beneficiary for more than such ratable obligation.

Sec. 6. Subsection (a) of section 45a-257b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Except as provided in subsection (b) of this section, if a testator fails to provide in the testator's will for any of the testator's children born or adopted after the execution of the will, including any child who is born as a result of artificial

insemination to which the testator has consented in accordance with subsection (b) of section 45a-772 [and any child born after the death of the testator as provided in subsection \(a\) of section 1 of this act](#), the omitted after-born or after-adopted child receives a share in the estate as follows:

(1) If the testator had no child living when the testator executed the will, an omitted after-born or after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised or bequeathed all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.

(2) If the testator had one or more children living when the testator executed the will, and the will devised or bequeathed property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child is entitled to share in the testator's estate as follows:

(A) Except as provided in subparagraph (E) of this subdivision, the portion of the testator's estate in which the omitted after-born or after-adopted child is entitled to share is limited to devises and legacies made to the testator's then-living children under the will.

(B) The omitted after-born or after-adopted child is entitled to receive the share of the testator's estate, as limited in subparagraph (A) of this subdivision, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises and legacies were made under the will and had given an equal share of the estate to each child.

(C) To the extent feasible, the interest granted an omitted after-born or after-adopted child under this section must be of the same character, whether equitable or legal, present or future, as that devised or bequeathed to the testator's then-living children under the will.

(D) In satisfying a share provided by this subdivision, devises and legacies to the testator's children who were living when the will was executed abate ratably. In the abatement of the devises and legacies of the then-living children, to the maximum extent possible the character of the testamentary plan adopted by the testator shall be preserved.

(E) If it appears from the will that the intention of the testator was to make a limited provision which specifically applied only to the testator's living children at the time the will was executed, the after-born or after-adopted child succeeds to the portion of such testator's estate as would have passed to such child had the testator died intestate.

Sec. 7. Subsection (a) of section 45a-438 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) After distribution has been made of the intestate estate to the surviving spouse in accordance with section 45a-437, all the residue of the real and personal estate shall be distributed in equal proportions, according to its value at the time of distribution, among the children, including children born after the death of the decedent, as provided in subsection (a) of section 1 of this act, and the legal representatives of any of them who may be dead, except that children or other descendants who receive estate by advancement of the intestate in the intestate's lifetime shall themselves or their representatives have only so much of the estate as will, together with such advancement, make their share equal to what they would have been entitled to receive had no such advancement been made.

Sec. 8. Section 45a-368 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) Subject to the provisions of sections 45a-369 to 45a-375, inclusive, a beneficiary is liable, in an action or actions brought in the Superior Court, to the extent of the fair market value on the date of distribution of any assets received by ~~him as a~~ such beneficiary from the estate of a decedent, for the expenses of administering the estate, claims, funeral expenses of the decedent ~~[,]~~ and all taxes for which the estate is liable, which have not previously been recovered out of assets held by the fiduciary or from any other source described in subsection (b) of this section. ~~[or in section 45a-409.]~~ For purposes of this section, the date of distribution of real estate specifically devised and real estate passing under the laws of descent and distribution shall be the date of the decedent's death.

(b) No liability may be imposed upon any such beneficiary under subsection (a) of this section, unless the plaintiff establishes ~~[satisfactorily]~~ to the court that the obligation to ~~him~~ the plaintiff cannot be fully satisfied: (1) Because there are insufficient assets available for such purpose in the hands of the fiduciary; (2) by action against persons prior in liability to the ~~[defendant]~~ beneficiary under subsections (a), (b) and (c) of section 45a-369, because such persons are insolvent or for any other reason, other than not being amenable to suit in this state, cannot be made to answer for their liabilities; and (3) by the enforcement, under section 45a-266, of any lien, security interest or other charge he holds against assets of the decedent specifically disposed of by will or passing to a distributee, or against the proceeds of any policy of insurance on the life of the decedent payable to a named beneficiary.

Signed by the Governor July 12, 2013