

CBA LEGISLATIVE AGENDA July 2022

The Connecticut Bar Association has authorized **Association positions** on the following issues for the 2022 regular legislative session of the Connecticut General Assembly:

Tax on Legal Services. The CBA, on behalf of the CBA Executive Committee, ***opposes*** the imposition of any tax on legal services. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Civil Gideon. The CBA, on behalf of the Pro Bono Committee, ***supports*** legislation of a pilot program for counsel for indigents in civil restraining orders under CGS 46b-15. Currently applicants and respondents without sufficient funds lack access to counsel. This bill arises out of the Task Force for Right to Counsel in Civil Matters. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Legal Services to Homeless Veterans. The CBA, on behalf of the Pro Bono Committee ***supports*** the Legal Services to Homeless Veterans Act of 2017 that would amend Title 38, United States Code, to authorize the Secretary of Veterans Affairs to award grants or enter into contracts with public and private entities to provide pro bono legal services to homeless veterans and veterans at risk of homelessness. Such grants and contracts are subject to the availability of funds. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Remote Notarization. The CBA, on behalf of the Real Property section, ***supports*** legislation in SB99, *An Act Establishing a Working Group to Study Remote Notarial Acts and the Revised Uniform Law on Notarial Acts*, provided certain amendments are made to the proposed model act. It is felt that SB99 does not fully protect the attorney, the client, the practice, and creates the possibility of UPL without our proposed amendments. Approved by the CBA House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Amending Remote Notarization Legislation

The CBA, on behalf of the Estates & Probate Section, ***supports*** to expand the exclusion of estate planning documents from the bill on remote online notarization. Approved by the CBA House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Civics Education Task Force. The CBA, on behalf of the Civics Education committee, ***supports*** legislation which would establish the Connecticut Civics Education Task Force to review and improve civics education in Connecticut and develop guidelines, standards and curricula for that purpose. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

A CBA Section has an authorized position on the following issues during the 2022 regular legislative session of the Connecticut General Assembly:

Alternative Dispute Resolution Section:

Uniform Mediation Act. The Alternative Dispute Resolution section ***supports*** legislation promoting uniformity in mediation, establishing the integrity of the mediation process as a method of resolving conflict and self-determination, and setting forth clear guidelines safeguarding the confidentiality of mediation proceedings. Approved by the House of Delegates, June 27, 2022; expires end of 2025 Legislative session.

Business Law Section:

Virtual Meetings. The Business Law section ***supports*** legislation to amend the Connecticut Business Corporation Act (CBCA) and Connecticut Revised Nonstock Corporation Act (CRNCA) to approve shareholder and member meetings on a virtual basis without a physical location, which will replace the Governor's Emergency Orders on the matter. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session. (PA21-39)

Non-Compete Agreements. The CBA Business Law Section ***opposes*** proposed bill HB 5249, AAC Non-compete Agreements, legislation which may discourage employers from staying in Connecticut, discouraging new and foreign established businesses from wanting to do business in this State. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Series LLC. The Business Law section ***supports*** the establishment of Series LLCs in CT with acceptable language at the appropriate time. This Act will provide the ability to use one LLC to create divisions of the LLC in a series so each series can hold separate assets, potentially separate management, and retain legal independence from each division in the series. It has potential broad application for a variety of entrepreneurial companies seeking to hold multiple portfolio ventures under one master holding structure. It has been authorized by the Uniform Law Commission. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Child Welfare and Juvenile Law:

Banning of chemical agents on youth under 18. The Child Welfare and Juvenile Law ***supports*** legislation from the Juvenile Justice Policy and Oversight Committee recommendation from its Incarceration Workgroup to ban use of all chemical agents on youth under the age of 18 by January 1, 2022. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Commercial Law and Bankruptcy:

US SBA Forms. The Commercial Law and Bankruptcy section ***supports*** that the United States Small Business Administration (the "SBA") amend questions 1 and 2 on the Paycheck Protection Program Second Draw Borrower Application Form (the "Application") immediately to define the term "delinquent" and to ask whether the applicant has filed for bankruptcy. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Digital Assets. The Commercial Law and Bankruptcy section requests to defer consideration of senate bill 353 until the legislature's next session. However, if a Bill must be passed this session, it asks to amend the proposal to limit it and make it consistent with the UCC so not to disrupt other transactions and to be consistent with uniform laws and the national drafting committee provisions being considered from its passage in summer 2022. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Venue. The Commercial Law and Bankruptcy section supports legislation that removes language currently contained in the United States Bankruptcy Code permitting companies to file for bankruptcy where they are incorporated or where smaller affiliates operate in favor of filing where the debtor's principal place of business or principal assets are located. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Disability Law Section:

Teacher's Disability Allowance. The Disability Law section supports legislation that allows a disabled former teacher to apply for disability allowance after he or she leaves active teaching, as long as the disability began when the former teacher was an active member of the teachers' retirement system. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Elder Law Section:

Nursing Facility Technology

The Elder Law Section supports legislation that permits nursing facility or assisted living facility residents to use any audio, video, or voice activated technology, that would otherwise be available to them in the community. In addition, the Section, advocates that any such proposed bill include provisions to ensure that the rights of other residents are respected and to ensure that the other residents' privacy is protected. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Personal Needs Allowance

The Elder Law Section supports legislation increasing the personal needs allowance for nursing home residents on Medicaid. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Prior Title Holders

The Elder Law Section supports legislation which prevents a previously recorded interest in property from losing its priority to an unrecorded or subsequently recorded claim or lien by the state against a person for repayment of state aid. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Probate Court Orders Compliance

The Elder Law Section supports legislation that would require state agencies to recognize, apply and enforce any order, denial or decree of a Probate Court. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Caregiver Agreements.

The Elder Law Section ***opposes*** legislation that would require a written agreement between a Medicaid applicant or recipient and a family member. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Budget line items.

The Elder Law Section ***opposes*** the elimination of line item budget review in Human Services. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Agency Efficiency in the Regulation Process.

The Elder Law Section ***opposes*** legislation that would allow agency heads the ability not to promulgate certain legislative regulations. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Non-taxable Annuity Income

The Elder Law Section ***opposes*** legislation that seeks to include the non-taxable annuity income from the spouse of an institutionalized individual who is a Medicaid recipient to the spouse's income for purposes of determining the amount that the spouse owes as a contribution as a "legally liable relative." Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Waivers Request

The Elder Law Section ***opposes*** legislation which would repeal C.G.S. Section 17b-8. C.G.S. providing legislative oversight by the Appropriations and Human Services committees over requests for waivers by the Department of Social Services to the Centers for Medicare and Medicaid Services. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Community Spouse Protected Amount.

The Elder Law Section ***supports*** legislative and/or administrative and regulatory advocacy that would increase the minimum Community Spouse Protected Amount to the maximum Community Spouse Protected Amount in the Medicaid long-term care coverage group for married couples. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Deadline for Fair Hearing Decisions.

The Elder Law Section ***opposes*** legislation which would reverse or in any way diminish the holding in *Handel v. Commissioner of Social Services*, 183 Conn. App. 392 (2018), requiring DSS to issue a fair hearing decision within 90 days of the request for a fair hearing. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Inaccessible Assets. The Elder Law section ***opposes*** legislation from the Department of Social Services (DSS) to remove the word "inaccessible" as it applies to assets and income in Medicaid and certain other programs. Approved by the House of Delegates, June 27, 2022; expires end of 2025 Legislative session.

Disclosure of Additional Costs.

The Elder Law section ***supports*** legislation to expand the types of long term care facilities which are required to disclose additional costs and notices to residents and to emphasize federal law prohibiting third party guarantees of payment. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Transfer of Assets. The Elder Law Section ***opposes*** and seeks changes to proposed regulations effecting patient transfer of assets and nursing home eligibility qualifications issued by the Department of Social Services intending to implement provisions of the 2006 Federal Deficit Reduction Act (DRA). Approved by the House of Delegates, June 27, 2022; expires end of 2025 Legislative session.

Eligibility for Home Care Services.

The Elder Law Section ***supports*** legislation requiring the Department of Social Services to provide payments for Medicaid services almost immediately upon application for services, as long as the individual didn't transfer any assets for less than fair market value during the 60 months before applying for services. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Aid in Dying

The Elder Law Section ***supports*** legislation that allows an adult, competent, Connecticut resident, who has been determined by two physicians to be competent and have a terminal illness, to request aid in dying for them to self-administer from their attending physician, with appropriate safeguards. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

Protections of Elderly from Abuse. The Elder Law section ***opposes*** banking legislation calling on elder abuse protections that are too broad in scope and do not provide any procedural safeguards including notice, recourse, or appeal rights to the bank customer/elderly person. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

To expand the definition of "exploitation" under C.G.S. § 17b-450. The Elder Law section ***supports*** legislation that would allow for a means by which to hold nursing home facilities responsible for offering legal advice to admitted patients and/or their families in qualifying for Medicaid, but said advice may not be in the best financial interest of the patient. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Medicare Savings Program. The Elder Law Section ***opposes*** legislation which would decrease benefits provided under the Medicare Savings Program. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Requiring Community Service. The Elder Law section ***opposes*** legislation that would require work or community service of those receiving public assistance. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Money Follows the Person. The Elder Law section *supports* legislation that would increase the availability of home and community based services for the elderly and individuals under age sixty-five, including but not limited to, increasing the number of persons served in various Medicaid waiver programs and/or increasing the availability of services under the Money Follows the Person Program. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Elder Exploitation. The Elder Law section *opposes* legislation which is intended to prevent elder abuse and exploitation but is so broadly drafted as to create significant adverse unintended consequences for the families of elderly citizens. Elderly being defined as anyone 60+. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Surviving Spouse a Statutory Share. The Elder Law section *opposes* legislation that would provide a Probate Court judge with the discretion to award a surviving spouse a statutory share of an estate that exceeds one-third of all property passing under a will based on the equities of the case. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Environmental Law Section:

Working Group on Release Based Remediation of Hazardous Waste.

The Environmental Law section *supports* S.B. 102 (Raised) to require DEEP to provide a draft of the proposed regulations to the advisory working group prior to being released for public comment to allow the advisory working group to review the proposed regulations. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Family Law Section:

Affidavits. The Family Law Section *opposes* legislation that permits the Judicial branch to amend statutes to allow the Judicial branch to remove testimony regarding family laws matters and relying instead on the use of affidavits. Approved by the House of Delegates, March 23, 2021; expires end of 2023 Legislative session

Pay The Other Party's Attorney Fees. The Family Law section *opposes* legislation that amends the General Statutes to require family court judges to require the prevailing party in a motion for contempt to pay the other party's attorney fees. As currently written, the law gives the court discretion to order counsel fees for the prevailing party in a motion for contempt. The proposed litigation takes away that discretion. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

International Law Section:

Choice of Law. The International Law Section *supports* the enactment of a commercial choice of law statute. This draft bill substantially tracks New York general obligation §5-1401[1] and §5-1402. The predictability of contractual provisions is very important in commercial transactions, including international trade. A commercial contractual provision between parties of equal bargaining position should mean what it says. Currently under Connecticut law, such a provision might not be enforced because a transaction has no "reasonable relationship" to Connecticut. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session.

Alien Tort Claims. The International Law section ***supports*** the enactment of a state-based alien tort claims act. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Mediation Convention. The International Law Section ***supports*** the ratification of United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018) (the "Singapore Convention on Mediation"). This convention was signed by the United States on July 8, 2019. It promotes the expedited enforcement of settlement agreements. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session.

UNCITRAL Model Law. The International Law Section ***supports*** the 2005 revisions to the UNCITRAL Model Law on International Commercial Arbitration (the original version is enacted in Connecticut General Statutes Title 50a). The revisions clarify a number of points not well covered when the Model Law was drafted in 1985: interim measures of protection and to modernize the form required for an arbitration agreement. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session.

Choice of Courts. The International Law Section ***supports*** ratification of Hague Convention of 30 June 2005 on Choice of Court Agreement. The convention was concluded with significant input from the United States. It was signed by the United States on January 19, 2009. It will promote the enforcement of judgments multi-nationally. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session.

Hague Foreign Judgements. The International Law Section ***supports*** the ratification of Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (July 2, 2019). The convention was recently concluded with significant input from the United States. It will promote the enforcement of judgments multi-nationally. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session.

Litigation Section:

Uniform Interstate Depositions and Discovery Act

The Litigation Section ***supports*** legislation that would adopt the Connecticut Uniform Interstate Deposition and Discovery Act (UIDDA). The law will allow out-of-state attorneys with an out-of-state proceeding to apply to a court clerk to have a subpoena without initiating a standalone proceeding. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Court Reporters. The Litigation section ***supports*** any state legislation requiring the state licensing of shorthand reporters to ensure the integrity and competence of court reporters. Approved by the House of Delegates, October 19, 2020; Expires end of 2023 Legislative session (PA19-64).

Planning & Zoning Section:

Zoning Variances. The Planning and Zoning Section ***supports*** legislation that would amend CGSA Sec. 8-6 to authorize the zoning board of appeals to have the authority to grant a Use Variance and an Area Variance. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Access to Public Records. The Real Property and the Planning and Zoning Sections ***support*** the CBA to lobby the Governor's office to provide guidance/instructions to municipalities and other governmental agencies to provide reasonable, physical access to government offices for the purpose of accessing and researching public records, including Land Records, which in the reasonable opinion of the person seeking access, cannot be reasonably accessed online. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Land Use Appeals. The Planning and Zoning Section ***supports*** legislation (SB938) on land use appeals in which a Superior Court hearing would no longer be required for the settlement of an appeal. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Real Property Section:

State-Wide Tax on Real Property. The Real Property and the Tax Law sections ***opposes*** legislation (SB171, An Act Establishing a State-Wide Tax on Real Property), establishing a one mill state-wide tax on commercial and residential real property, with the first three hundred thousand dollars of the assessed value of a residential property exempt from the tax, being passed on to the tenants. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Real Estate Abutting a Way. The Real Property section ***opposes*** HB5373, an Act Concerning Real Estate Abutting a Way, which is unnecessary, as is construing any instrument conveying real property to include grantor's fee interest in a way abutting the real property. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Mortgage Recording Act. The Real Property section ***opposes*** HB5287, An Act Establishing a Mortgage Recording Tax which would impose a tax on the privilege of recording a mortgage on real property located in Connecticut and an additional tax on the buyer. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Attorneys Unnecessary for Closings. The Real Property section ***opposes*** SB321, AAC Real Estate Closings and Mortgage Loan Transactions, permitting non-attorneys to represent the legal interests of parties to real estate closings and using preferred attorneys by mortgage lenders, plus it's the unauthorized practice of law. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Amending validating provision in PA 19-85. The Real Property section ***supports*** an amendment to Public Act 19-85 to modify the exception to the validating provision from “such instrument fails to state the consideration reflecting fair market value” to “such instrument reflects the granting of an interest in the property for no or nominal consideration” or words to that effect. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Access to Public Records. The Real Property and the Planning and Zoning Sections ***support*** the CBA to lobby the Governor’s office to provide guidance/instructions to municipalities and other governmental agencies to provide reasonable, physical access to government offices for the purpose of accessing and researching public records, including Land Records, which in the reasonable opinion of the person seeking access, cannot be reasonably accessed online. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Veterans and Military Affairs Section:

Defining “Veteran”. The Veterans and Military Affairs section ***supports*** legislation to alter the definition of “veteran” to be more inclusive by amending § 27-103 (a) (2) to include any person that the United States Department of Veterans Affairs (the “VA”) has determined eligible for certain federal veterans benefits by reason of an administrative determination made pursuant to 38 C.F.R. § 3.12 and/or 38 C.F.R. § 3.360. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Occupational and Professional Licenses. The Veterans Law section ***opposes*** sections of proposed legislation in SB19, An Act Concerning the Occupational and Professional Licenses of Military Members’ Spouses, whereas the present language opens the process beyond military spouses. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Public Defender Services. The Veterans and Military Affairs section ***supports*** that the Public Defender Services Commission (PDSC) enact a rule or measure requiring the uniform exclusion of compensation received by a veteran from one’s gross annual income when determining one’s income eligibility for public defender services. Approved by the House of Delegates, June 27, 2022; expires end of 2023 Legislative session.

Workers Compensation Section

Burial Costs. The Workers Compensation section ***supports*** legislation to support an increase in the burial expense contained in C.G.S. section 31-306(1) from the current amount of \$4,000.00 up to \$10,000.00. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Medical Records.

The Workers Compensation Section ***supports*** legislation that would assure the prompt delivery of medical records in workers' compensation cases. Approved by the House of Delegates, December 13, 2021; expires end of 2024 Legislative session.

A CBA committee has an authorized position on the following issues during the 2022 regular legislative session of the Connecticut General Assembly:

Rule 8.4 (7)

A number of sections and committees **support** a proposal to the Rules Committee of the Superior Court that amends Rule 8.4 (Misconduct) of the Connecticut Rules of Professional Conduct to make it professional misconduct for an attorney to engage in discrimination or harassment in the practice of law by engaging in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, color, ancestry, sex, pregnancy, religion, national origin, ethnicity, disability, status as a veteran, age, sexual orientation, gender identity, gender expression or marital status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation. Approved by the House of Delegates, September 10, 2020; expires end of 2023 Legislative session.

Pro Bono Committee

Right to Housing. The Pro Bono Committee **supports** legislation such as SB194 to establish a right to housing in Connecticut, providing for the right to protection from housing loss, which implicates government programs such as eviction prevention programs and legal assistance in evictions. Approved by the House of Delegates, March 23, 2021; expires end of 2023 Legislative session.

Advance Rental Payments. The Pro Bono Committee **opposes** such legislation in HB5344, An Act Concerning Advance Rental Payments, which if enacted would remove the limits on the amounts of advance rental payments a landlord may charge a tenant. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Limiting Security Deposits. The Pro Bono committee **opposes** such legislation in HB5345, An Act Concerning Security Deposits, which if enacted would remove the limits on security deposits that a landlord may require from a tenant. Approved by the House of Delegates, March 28, 2022; expires end of 2024 Legislative session.

Standing Committee on Professional Ethics

Remote Practice. The Standing Committee on Professional Ethics **supports** to amend the Connecticut Rules of Practice (2-44A) and the Rules of Professional Conduct(Rule 5.5) to provide “ To the extent that a lawyer is physically present in this jurisdiction and remotely engages in the practice of law as authorized under the laws of another United States jurisdiction in which that lawyer is admitted in good standing, and that lawyer is not disbarred or suspended from the practice of law in any jurisdiction, such conduct does not constitute the unauthorized practice of law in this jurisdiction.” Approved by the House of Delegates, December 13, 2021; expires December 3, 2024.

Standing Committee on Professional Ethics and the Pro Bono Committee

Rule 1.8 (e). The Standing Committee on Professional Ethics and the Pro Bono Committee **supports** amending Rule 1.8 (e) of the Connecticut Practice Book to permit a lawyer representing a client pro bono to provide modest gifts to the client to pay for basic living expenses. Approved by the House of Delegates, March 22, 2021; expires March 22, 2024.

Pro bono practice in Limited circumstances. The Standing Committee on Professional Ethics and the Pro Bono Committee *support* a proposal to amend Rule 5.5 of the Rules of Professional Conduct to include pro bono practice under limited circumstances as a new category of permissible practice in Connecticut by emeritus attorneys licensed and in good standing in other jurisdictions. Approved by the House of Delegates, March 16, 2020; expires March 16, 2023.

CBA Policing Task Force

Inspector General Candidates. The CBA Policing Task Force *supports* an amendment of Section 33(a) of Special Session Public Act 20-1, An Act Concerning Police Accountability, *HB6004*, to be changed so that candidates outside of the State Criminal Justice Commission are eligible for the position of Inspector General and for positions within the staff of the Inspector General's Office. Approved by the House of Delegates, October 19, 2020; expires end of 2023 Legislative session.

Policing Violations. The CBAPTF *supports* to recommend that the Inspector General be directed to make findings regarding whether police officers involved in incidents under investigation violated any police procedures, policies, or protocols during the course of the incident, and if violations occurred, whether discipline should be considered. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Comprehensive Public Reports. The CBAPTF *supports* to recommend that public reports issued by the Inspector General involving police use of deadly force should include a comprehensive set of facts to ensure public confidence in the investigative process. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Subpoenas. The CBAPTF *supports* to recommend that the Inspector general have the authority to issue subpoenas to civilians who may have witnessed a use of force incident and/or have relevant knowledge or information regarding the incident. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Statute of Limitations. The CBAPTF *supports* to recommend that the one-year statute of limitations for bringing an action pursuant to Section 41 of the Act be extended to three years. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Accreditation Standards. The CBAPTF *supports* to recommend that the accreditation standards for law enforcement agencies be revised to allow chiefs the option of selecting compliance with the Connecticut Police Officer Standards and Training Council Tier III standards of the national Commission on Accreditation for Law Enforcement Agencies Accreditation standards. Those opting to achieve Tier III accreditation by 2025 should reach Tier I by 2021 and Tier II accreditation by 2023. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Citizen Complaints. The CBAPTF *supports* to recommend that the Connecticut Police Officer Standards and Training Council be tasked with updating the current model form and developing a standardized, statewide reporting form and process for reporting citizen complaints. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Study of social worker and mobile crisis units. The CBAPTF *supports* to recommend that Section 18 of the Act be expanded to include a comprehensive feasibility study on the use of social workers and mobile crisis units by police in Connecticut and would assess the use of social workers to respond remotely, in person, and/or to accompany police officers on calls for assistance. Approved by the House of Delegates, December 14, 2020; expires end of 2023 Legislative session.

Minimum Standards for CRB. The Police Accountability Task Force *supports* recommendations that municipalities consider certain minimum standards when creating a Civilian Review Board pursuant to Section 17 of PA 20-1 ("AAC Police Accountability") Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Establish CRB. The Police Accountability Task Force *supports* amending PA 20-1 (17) to require all communities with police departments, or under the jurisdiction of the Connecticut State Police Resident Trooper Program, establish a CRB (if one does not already exist). Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Reports Database. The Police Accountability Task Force *supports* recommending within PA20-1 that the Inspector General ("IG") create and maintain a public database of pertinent information derived from completed investigative reports issued by the IG concerning police use of deadly force. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Early Intervention System. The Police Accountability Task Force *supports* recommending through PA 20-1 that certain police departments develop and implement an early intervention system ("EIS") pilot program to detect and prevent adverse incidents. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Factual Observation Data. The Police Accountability Task Force *supports* recommending through PA20-1 that factual observations be derived from data regarding deadly force incidents in Connecticut. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Pass HB6462, An Act Concerning Use of Force By A Peace Officer.

The Police Accountability Task Force *supports* recommending that the Connecticut General Assembly pass H.B. 6462, "An Act Concerning Use of Force by a Peace Officer".

Background: On March 8, 2021, the Judiciary Committee unanimously approved H.B. 6462 (Joint Favorable Substitute), which provides that Section 29 of Public Act 20-1 of the July special session concerning the use of force by peace officers take effect on January 1, 2022 and be amended as listed in attached position request. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Behavioral health assessment. The Police Accountability Task Force *supports* amending the law to prohibit discharging, disciplining, discriminating, or otherwise penalizing a police officer because of the results of a behavioral health assessment. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Pattern of misconduct. The Police Accountability Task Force ***supports*** amending the Act to grant civil “pattern-or-practice” enforcement authority to the Attorney General. This authority would be invoked only when there is evidence of a persistent pattern of misconduct in a police department or evidence of a regular practice in place that unlawfully discriminates or violates civil rights, rather than an isolated incident. Approved by the House of Delegates, March 22, 2021; expires end of 2023 Legislative session.

Racial Justice Working Group (RJWG).The Police Accountability Task Force ***supports*** recommendations (#17E) the POST Council (POST) form a Racial Justice Working Group to oversee and facilitate the implementation of professional development and training and a public trust assessment. Conn. Gen. Stat. § 7-294b should be amended to ensure that the individuals identified as members of the RJWG become full and permanent members of POST. Approved by the House of Delegates, October 19, 2021; expires end of 2024 Legislative session.

Commission for Creation of Civilian Interviews and a CCC Exchange Program. The Police Accountability Task Force ***supports*** recommendations (#18) that the Legislature appoint a Commission to Create: (A) Municipal Civilian Interview Panels to Participate in Police Hiring, Review and Promotion Decisions as part of Accreditation Standards, and (B) A Community, Cops & Culture Exchange Program (“CCC Exchange Program”); and POST require that all police departments adopt these recommendations. Approved by the House of Delegates, October 19, 2021; expires end of 2024 Legislative session.

Crisis Response. The Police Accountability Task Force ***supports*** recommendations (#19) that the Legislature: 1) implement the federally mandated 988 crisis hotline system; 2) enhance and expand behavioral health crisis response and suicide prevention services statewide; and 3) fund the system through SAMSHA and DMHAS grants, reimbursements from private and public insurers, and funds raised by imposing a federally-authorized excise tax on commercial mobile services or IP enabled voice services. Approved by the House of Delegates, October 19, 2021; expires end of 2024 Legislative session.

Strategy Board. The Police Accountability Task Force ***supports*** recommendations (#20) that the Legislature should establish a board or commission comprised of relevant stakeholders to develop a strategy to achieve the economic recommendation for substantial investments in mental health care, quality health care, accessible housing, healthy food options, quality and safe education options, and other social services. Approved by the House of Delegates, October 19, 2021; expires end of 2024 Legislative session.

*** Although there are several authorized positions that have become public acts (note parenthesized) as voted through the Connecticut General Assembly or through the Practice Book rule changes approved at the annual judges meeting, the positions still remain on this Legislative agenda until the authorization expires.*