



General Assembly

January Session, 2003

***Raised Bill No. 6492***

LCO No. 3472

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING VICTIM SERVICES.***

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

1 Section 1. Section 7-294g of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Each police basic or review training program conducted or  
4 administered by the Division of State Police within the Department of  
5 Public Safety, by the Police Officer Standards and Training Council  
6 established under section 7-294b or by a municipal police department  
7 in the state shall provide a minimum of two hours of training on the  
8 subject of domestic violence that includes, but is not limited to, the  
9 following: (1) Enforcement of criminal laws applicable in cases  
10 involving domestic violence; (2) techniques for handling incidents of  
11 domestic violence which promote the safety of the victim and the  
12 officer and which reduce the likelihood of recurrence; (3) organizations  
13 in the state that offer aid or shelter to victims of domestic violence; (4)  
14 applicable procedures in the prosecution of cases involving domestic  
15 violence; and (5) orders issued by a court pursuant to chapter 815a.  
16 The Division of State Police, the Police Officer Standards and Training  
17 Council or municipal police departments, in consultation with the

18 Connecticut Task Force on Abused Women, shall develop a program  
19 curriculum for such training and shall submit such curriculum to the  
20 task force for approval. Individual shelter programs in the task force  
21 may also conduct domestic violence training in conjunction with any  
22 police training program.

23 (b) Each police basic training program conducted or administered  
24 by the Division of State Police within the Department of Public Safety,  
25 by the Police Officer Standards and Training Council established  
26 under section 7-294b or by a municipal police department in the state  
27 shall include a course on the recognition and management of child  
28 abuse and suicide intervention procedures.

29 (c) Each police basic training program conducted or administered  
30 by the Division of State Police within the Department of Public Safety,  
31 by the Police Officer Standards and Training Council established  
32 under section 7-294b or by a municipal police department in the state  
33 shall provide training on the subject of crime victims' rights and  
34 services that includes, but is not limited to, the following: (1)  
35 Constitutional and statutory rights of crime victims; (2) techniques for  
36 advising crime victims of their rights and the availability of victim  
37 services; (3) organizations in the state that offer aid and assistance to  
38 crime victims; and (4) applicable procedures in the prosecution of cases  
39 involving a crime victim where an arrest is made. Such training shall  
40 also be provided not less than once every three years following  
41 completion of the basic training program. The Division of State Police,  
42 the Police Officer Standards and Training Council or municipal police  
43 departments shall develop a program curriculum for such training in  
44 consultation with the Office of Victim Services and the Office of the  
45 Victim Advocate.

46 Sec. 2. Section 53a-46d of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective October 1, 2003*):

48 A victim impact statement prepared [by] with the assistance of a  
49 victim advocate to be placed in court files in accordance with

50 subdivision (2) of subsection (a) of section 54-220, as amended by this  
51 act, may be read in court prior to imposition of sentence upon a  
52 defendant found guilty of a crime punishable by death.

53 Sec. 3. Section 54-203 of the general statutes is repealed and the  
54 following is substituted in lieu thereof (*Effective from passage*):

55 (a) There is established an Office of Victim Services within the  
56 Judicial Department.

57 (b) The Office of Victim Services shall have the following powers  
58 and duties:

59 (1) To direct each hospital, whether public or private, to display  
60 prominently in its emergency room posters giving notice of the  
61 availability of compensation and assistance to victims of crime or their  
62 dependents pursuant to this chapter, and to direct every law  
63 enforcement agency of the state to inform victims of crime or their  
64 dependents of their rights pursuant to this chapter;

65 (2) To request from the office of the state's attorney, state police,  
66 local police departments or any law enforcement agency such  
67 investigation and data as will enable the Office of Victim Services to  
68 determine if in fact the applicant was a victim of a crime or attempted  
69 crime and the extent, if any, to which the victim or claimant was  
70 responsible for his own injury;

71 (3) To request from the Department of Correction, other units of the  
72 Judicial Department, the Board of Pardons and the Board of Parole  
73 such information as will enable the Office of Victim Services to  
74 determine if in fact a person who has requested notification pursuant  
75 to section 54-228 was a victim of a crime;

76 (4) To direct medical examination of victims as a requirement for  
77 payment under this chapter;

78 (5) To take or cause to be taken affidavits or depositions within or

79 without the state;

80 (6) To apply for, receive, allocate, disburse and account for grants of  
81 funds made available by the United States, by the state, foundations,  
82 corporations and other businesses, agencies or individuals to  
83 implement a program for victim services which shall assist witnesses  
84 and victims of crimes as the Office of Victim Services deems  
85 appropriate within the resources available and to coordinate services  
86 to victims by state and community-based agencies, with priority given  
87 to victims of violent crimes, by: (A) [assigning] Assigning, in  
88 consultation with the Division of Criminal Justice, such victim  
89 advocates as are necessary to provide assistance; (B) administering  
90 victim service programs; and (C) awarding grants or purchase of  
91 service contracts in accordance with the plan developed under  
92 subdivision [(15)] (16) of this subsection to private nonprofit  
93 organizations or local units of government for the direct delivery of  
94 services, except that the provision of training and technical assistance  
95 of victim service providers and the development and implementation  
96 of public education campaigns may be provided by private nonprofit  
97 or for-profit organizations or local units of government. Such grants  
98 and contracts shall be the predominant method by which the Office of  
99 Victim Services shall develop, implement and operate direct service  
100 programs and provide training and technical assistance to victim  
101 service providers;

102 (7) To provide each person who applies for compensation pursuant  
103 to section 54-204, within ten days of the date of receipt of such  
104 application, with a written list of rights of victims of crime involving  
105 personal injury and the programs available in this state to assist such  
106 victims. The Office of Victim Services, the state or any agent, employee  
107 or officer thereof shall not be liable for the failure to supply such list or  
108 any alleged inadequacies of such list. Such list shall include, but not be  
109 limited to:

110 (A) Subject to the provisions of sections 18-81e and 51-286e, the

111 victim shall have the right to be informed concerning the status of his  
112 or her case and to be informed of the release from custody of the  
113 defendant;

114 (B) Subject to the provisions of section 54-91c, the victim shall have  
115 the right to present a statement of his or her losses, injuries and wishes  
116 to the prosecutor and the court prior to the acceptance by the court of a  
117 plea of guilty or nolo contendere made pursuant to a plea agreement  
118 with the state wherein the defendant pleads to a lesser offense than the  
119 offense with which the defendant was originally charged;

120 (C) Subject to the provisions of section 54-91c, prior to the  
121 imposition of sentence upon the defendant, the victim shall have the  
122 right to submit a statement to the prosecutor as to the extent of any  
123 injuries, financial losses and loss of earnings directly resulting from the  
124 crime;

125 (D) Subject to the provisions of section 54-126a, the victim shall have  
126 the right to appear before a panel of the Board of Parole and make a  
127 statement as to whether the defendant should be released on parole  
128 and any terms or conditions to be imposed upon any such release;

129 (E) Subject to the provisions of section 54-36a, the victim shall have  
130 the right to have any property the victim owns which was seized by  
131 police in connection with an arrest to be returned;

132 (F) Subject to the provisions of sections 54-56e and 54-142c, the  
133 victim shall have the right to be notified of the application by the  
134 defendant for the pretrial program for accelerated rehabilitation and to  
135 obtain from the court information as to whether the criminal  
136 prosecution in the case has been dismissed;

137 (G) Subject to the provisions of section 54-85b, the victim cannot be  
138 fired, harassed or otherwise retaliated against by an employer for  
139 appearing under a subpoena as a witness in any criminal prosecution;

140 (H) Subject to the provisions of section 54-86g, the parent or legal

141 guardian of a child twelve years of age or younger who is a victim of  
142 child abuse or sexual assault may request special procedural  
143 considerations to be taken during the testimony of the child;

144 (I) Subject to the provisions of section 46b-15, the victim of assault  
145 by a spouse or former spouse, family or household member has the  
146 right to request the arrest of the offender, request a protective order  
147 and apply for a restraining order; and

148 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,  
149 the victim of sexual assault or domestic violence can expect certain  
150 records to remain confidential;

151 (8) Within available appropriations, to establish a victim's assistance  
152 center which shall provide a victims' rights information clearinghouse  
153 which shall be a central repository of information regarding rights of  
154 victims of crime and services available to such victims and shall collect  
155 and disseminate such information to assist victims;

156 (9) To provide [, not later than January 1, 1994,] a victims'  
157 notification clearinghouse which shall be a central repository for  
158 requests for notification filed pursuant to sections 54-228 and 54-229,  
159 and to notify [, on and after January 1, 1994,] persons who have filed  
160 such a request whenever an inmate has applied for release from a  
161 correctional institution or reduction of sentence or review of sentence  
162 pursuant to section 54-227 or whenever an inmate is scheduled to be  
163 released from a correctional institution and [, on and after January 1,  
164 1994,] to provide victims of family violence crimes, upon request,  
165 information concerning any modification or termination of criminal  
166 orders of protection;

167 (10) To establish and maintain a crime victim assistance center that  
168 shall be centrally and prominently located at each courthouse. Each  
169 crime victim assistance center shall prominently display information  
170 concerning the rights of and services for crime victims and shall  
171 provide a crime victim's resource guide that shall be prepared in

172 collaboration with the Office of the Victim Advocate and shall contain:  
173 (A) A clear outline of the criminal justice process; (B) a detailed  
174 description of crime victim rights, services and service providers; (C)  
175 procedures for exercising the rights of crime victims; and (D) the  
176 applicable forms, prescribed by the Office of the Chief Court  
177 Administrator, that are necessary for exercising the rights of crime  
178 victims. Not later than October 1, 2003, the Chief Court Administrator  
179 shall develop and implement procedures for the maintenance and  
180 operation of each crime victim assistance center;

181 ~~[(10)]~~ (11) To provide a telephone hotline that shall provide  
182 information on referrals for various services for victims of crime and  
183 their families;

184 ~~[(11)]~~ (12) To provide staff services to a state advisory council. The  
185 council shall consist of not more than fifteen members to be appointed  
186 by the Chief Justice and shall include the Chief Victim Compensation  
187 Commissioner and members who represent victim populations,  
188 including, but not limited to, homicide survivors, family violence  
189 victims, sexual assault victims, victims of drunk drivers, and assault  
190 and robbery victims, and members who represent the judicial branch  
191 and executive branch agencies involved with victims of crime. The  
192 members shall serve for terms of four years. Any vacancy in the  
193 membership shall be filled by the appointing authority for the balance  
194 of the unexpired term. The members shall receive no compensation for  
195 their services. The council shall meet at least six times a year. The  
196 council shall recommend to the Office of Victim Services program,  
197 legislative or other matters which would improve services to victims of  
198 crime and develop and coordinate needs assessments for both court-  
199 based and community-based victim services. The Chief Justice shall  
200 appoint two members to serve as cochairmen. Not later than December  
201 fifteenth of each year, the council shall report the results of its findings  
202 and activities to the Chief Court Administrator;

203 ~~[(12)]~~ (13) To utilize such voluntary and uncompensated services of

204 private individuals, agencies and organizations as may from time to  
205 time be offered and needed;

206 [(13)] (14) To recommend policies and make recommendations to  
207 agencies and officers of the state and local subdivisions of government  
208 relative to victims of crime;

209 [(14)] (15) To provide support and assistance to state-wide victim  
210 services coalitions and groups;

211 [(15)] (16) To develop, in coordination with the Department of Social  
212 Services, the Department of Public Health, the Office of Policy and  
213 Management, the Department of Children and Families and the  
214 Division of Criminal Justice, a comprehensive plan to more effectively  
215 administer crime victims' compensation and coordinate the delivery of  
216 services to crime victims, including the funding of such services; [  
217 Such plan shall be submitted to the Governor and the General  
218 Assembly not later than January 1, 1994;]

219 [(16)] (17) Within available appropriations, to establish a crime  
220 victims' information clearinghouse which shall be a central repository  
221 for information collected pursuant to subdivision (9) of this subsection  
222 and information made available through the criminal justice  
223 information system, to provide a toll-free telephone number for access  
224 to such information and to develop a plan, in consultation with all  
225 agencies required to provide notification to victims, outlining any  
226 needed statutory changes, resources and working agreements  
227 necessary to make the Office of Victim Services the lead agency for  
228 notification of victims, which plan shall be submitted to the General  
229 Assembly not later than February 15, 2000;

230 [(17)] (18) To provide a training program for judges, prosecutors,  
231 police, probation and parole personnel, bail commissioners, officers  
232 [from] of the Department of Correction and judicial marshals to inform  
233 them of victims' rights and available services; and

234        [(18)] (19) To submit to the joint standing committee of the General  
235 Assembly having cognizance of matters relating to victim services, in  
236 accordance with the provisions of section 11-4a, on or before January  
237 15, 2000, and biennially thereafter, a report of its activities under this  
238 chapter including, but not limited to, implementation of training  
239 activities and mandates. Such report shall include the types of training  
240 provided, entities providing training and recipients of training.

241        Sec. 4. Section 54-220 of the general statutes is repealed and the  
242 following is substituted in lieu thereof (*Effective October 1, 2003*):

243        (a) Victim advocates shall have the following responsibilities and  
244 duties: (1) To provide initial screening of each personal injury case; (2)  
245 to [prepare] assist victims in the preparation of victim impact  
246 statements to be placed in court files; (3) to assist victims by providing  
247 information needed for more effective processing of cases; (4) to  
248 provide information and advice to individual victims and to assist  
249 such victims in exercising their rights as crime victims throughout the  
250 criminal justice process; (5) to direct victims to public and private  
251 agencies for service; (6) to coordinate victim applications to the Office  
252 of Victim Services; and (7) to assist victims in the processing of claims  
253 for restitution.

254        (b) Victim advocates shall provide, on a form prescribed by the  
255 Office of the Chief Court Administrator, notification to victims of their  
256 rights as crime victims to be placed in court files. Such form shall be  
257 signed by the victim advocate and the crime victim.

258        [(b)] (c) Within available appropriations, the Office of Victim  
259 Services may contract with any public or private agency for victim  
260 advocate services in geographical area courts.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

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Sec. 3	<i>from passage</i>
Sec. 4	<i>October 1, 2003</i>

**Statement of Purpose:**

To require police basic or review training programs to include training on the subject of victims' rights and services, to establish a crime victim assistance center at each courthouse, and to clarify the duties of victim advocates.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*