



General Assembly

January Session, 2003

Raised Bill No. 6493

LCO No. 3369

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE VICTIM ADVOCATE.

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

1 Section 1. Section 46a-13c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The Victim Advocate may, within available appropriations:

4 (1) Evaluate the delivery of services to crime victims by state
5 agencies and those entities that provide services to crime victims,
6 including the delivery of services to families of crime victims by the
7 Office of the Chief Medical Examiner;

8 (2) Coordinate and cooperate with other private and public agencies
9 concerned with the implementation, monitoring and enforcement of
10 the constitutional rights of crime victims and enter into cooperative
11 agreements with public or private agencies for the furtherance of the
12 constitutional rights of crime victims;

13 (3) Review the procedures established by any state agency or other
14 entity providing services to crime victims with respect to the
15 constitutional rights of crime victims;

16 (4) Receive and review complaints of persons concerning the actions
17 of any state or other entity providing services to crime victims and
18 investigate those where it appears that a crime victim or family of a
19 crime victim may be in need of assistance from the Victim Advocate;

20 (5) File a limited special appearance in any court proceeding for the
21 purpose of advocating for any right guaranteed to a crime victim by
22 the Constitution of the state or any right provided to a crime victim by
23 any provision of the general statutes;

24 (6) File an appeal or writ of error to the Supreme Court or an appeal
25 to the Appellate Court on behalf of a crime victim, for the purpose of
26 advocating for any right guaranteed to such crime victim by the
27 Constitution of the state or any right provided to such crime victim by
28 any provision of the general statutes, in any case in which a violation
29 of any such right by a final decision of a trial court is claimed.

30 [(6)] (7) Ensure a centralized location for victim services
31 information;

32 [(7)] (8) Recommend changes in state policies concerning crime
33 victims, including changes in the system of providing victim services;

34 [(8)] (9) Conduct programs of public education, undertake
35 legislative advocacy, and make proposals for systemic reform;

36 [(9)] (10) Monitor the provision of protective services to witnesses
37 by the Chief State's Attorney pursuant to section 54-82t; and

38 [(10)] (11) Take appropriate steps to advise the public of the services
39 of the Office of the Victim Advocate, the purpose of the office and
40 procedures to contact the office.

41 Sec. 2. Section 46a-13d of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2003*):

43 (a) All state, local and private agencies shall have a duty to

44 cooperate with any investigation conducted by the Office of the Victim
45 Advocate. [Consistent with the provisions] Notwithstanding any
46 provision of the general statutes concerning the confidentiality of
47 records and information, the Victim Advocate shall have access to,
48 including the right to inspect and copy, any records necessary to carry
49 out the responsibilities of the Victim Advocate as provided in section
50 46a-13c, as amended by this act. [Nothing contained in this subsection
51 shall be construed to waive a victim's right to confidentiality of
52 communications or records as protected by any provision of the
53 general statutes or common law.] If the Victim Advocate is denied
54 access to any records necessary to carry out such responsibilities, the
55 Victim Advocate may issue a subpoena for the production of such
56 records as provided in subsection (c) of this section.

57 (b) In the performance of his responsibilities under section 46a-13c,
58 as amended by this act, the Victim Advocate may communicate
59 privately with any crime victim or person who has received, is
60 receiving or should have received services from the state. Such
61 communications shall be confidential and not be subject to disclosure,
62 except as provided in subsection (a) of section 46a-13e.

63 (c) Except as otherwise provided in this subsection, the Victim
64 Advocate may issue subpoenas to compel the attendance and
65 testimony of witnesses or the production of books, papers and other
66 documents and to administer oaths to witnesses in any matter under
67 investigation by the Victim Advocate. If any person to whom such
68 subpoena is issued fails to appear or, having appeared, refuses to give
69 testimony or fails to produce the evidence required, the Victim
70 Advocate may apply to the superior court for the judicial district of
71 Hartford which shall have jurisdiction to order such person to appear
72 and give testimony or to produce such evidence, as the case may be.
73 No subpoena shall be issued under this subsection that is directed to
74 the defendant in a criminal prosecution or the defendant's attorney, or
75 for the production of books, papers and other documents by such
76 defendant or the defendant's attorney, or to compel the attendance and

77 testimony of such defendant or the defendant's attorney.

78 [(c)] (d) The Victim Advocate may apply for and accept grants, gifts
79 and bequests of funds from other states, federal and interstate agencies
80 and independent authorities and private firms, individuals and
81 foundations, for the purpose of carrying out his responsibilities.

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

Statement of Purpose:

To authorize the Victim Advocate to file an appeal on behalf of any crime victim for the purpose of advocating for such person's constitutional or statutory rights as a crime victim, and to authorize the Victim Advocate to issue subpoenas in the course of an investigation conducted by the Victim Advocate.

[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.]