



General Assembly

Substitute Bill No. 6566

January Session, 2003

AN ACT CONCERNING FULL FAITH AND CREDIT FOR FOREIGN ORDERS OF PROTECTION.

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

1 Section 1. Section 46b-15a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) For the purposes of this section, "foreign order of protection"
4 means any protection order, as defined in 18 USC 2266, as from time to
5 time amended, or similar restraining or protective order issued by a
6 court of another state, the District of Columbia, a commonwealth,
7 territory or possession of the United States or an Indian tribe.

8 (b) A valid foreign order of protection that is consistent with 18 USC
9 2265, as from time to time amended, shall be accorded full faith and
10 credit by a court of this state and may be enforced as if it were the
11 order of a court in this state. A foreign order of protection shall be
12 presumed valid if such order is a certified copy from the issuing court.
13 The fact that a foreign order of protection has not been entered into the
14 automated registry of protective orders maintained pursuant to section
15 51-5c, as amended by this act, the Connecticut on-line law enforcement
16 communication teleprocessing system maintained by the Department
17 of Public Safety or the National Crime Information Center (NCIC)
18 computerized index of criminal justice information shall not be
19 grounds for refusing to enforce such order in this state.

20 (c) A law enforcement officer shall enforce a foreign order of
21 protection in accordance with its terms and the law of this state, and
22 shall arrest any person suspected of violating such order and charge
23 such person with a violation of section 53a-223b, as amended by this
24 act. Nothing in this subsection shall affect the responsibility of a law
25 enforcement officer to make an arrest pursuant to section 46b-38b.

26 (d) It shall be an affirmative defense in any action seeking
27 enforcement of a foreign order of protection or any criminal
28 prosecution involving the violation of a foreign order of protection that
29 such order is not consistent with or entitled to full faith and credit
30 pursuant to 18 USC 2265, as from time to time amended.

31 (e) A child custody provision in a foreign order of protection may be
32 enforced in this state if such provision (1) complies with the Uniform
33 Child Custody Jurisdiction Act or the Uniform Child Custody
34 Jurisdiction and Enforcement Act, and (2) is consistent with the
35 Parental Kidnapping Prevention Act of 1980, 28 USC 1738A, as from
36 time to time amended.

37 [(a) A protective order issued by a court of another state] (f) A
38 foreign order of protection may be registered in this state [,] by
39 sending to the Superior Court in this state: (1) A letter or other
40 document requesting registration; (2) two copies, including one
41 certified copy, of the [protective order] foreign order of protection
42 sought to be registered [,] and a statement under penalty of perjury
43 that, to the best of the knowledge and belief of the petitioner, the order
44 has not been modified; and (3) the name and address of the person
45 seeking registration, except [where such] if the disclosure of such name
46 and address would jeopardize the safety of such person.

47 [(b)] (g) On receipt of the documents required in subsection [(a)] (f)
48 of this section, the registering court shall: [cause the protective order]
49 (1) Cause the foreign order of protection to be filed as a foreign
50 judgment, together with one copy of any accompanying documents
51 and information, regardless of their form; and (2) cause the foreign

52 order of protection to be entered in the automated registry of
53 protective orders maintained pursuant to section 51-5c, as amended by
54 this act, together with any accompanying information required or
55 permitted to be contained in the registry of protective orders pursuant
56 to the procedures adopted by the Chief Court Administrator under
57 section 51-5c, as amended by this act.

58 [(c) Within five days of the receipt by the registering court of the
59 documents required by subsection (a) of this section, the petitioner
60 shall notify any person named in the protective order of the
61 registration of the documents by certified mail, return receipt
62 requested, at the last-known address or by personal service, and
63 provide any such person with an opportunity to contest the
64 registration in accordance with this section. The notice required by this
65 subsection shall state that (1) a registered protective order is
66 enforceable as of the date of the registration in the same manner as a
67 protective order issued by a court of this state, (2) a hearing to contest
68 the validity of the registered protective order may be requested within
69 twenty days after service of notice, and (3) failure to contest the
70 registration shall, upon proof of notice, result in the confirmation of
71 the protective order and preclude further contest of such protective
72 order with respect to any matter that could be asserted.

73 (d) The respondent may request a hearing within twenty days after
74 service of the notice. At any such hearing, the court shall confirm the
75 registered order unless the person contesting the registration
76 establishes that (1) the issuing court did not have jurisdiction, (2) the
77 protective order sought to be registered has been vacated, stayed or
78 modified by a court having jurisdiction to do so, or (3) the respondent
79 was entitled to notice of the proceeding before the court that issued the
80 order for which registration is sought, but no such notice was given.

81 (e) If a timely request for a hearing to contest the validity of the
82 registration is not made, the registration is confirmed as a matter of
83 law with respect to those who have received proper notice and the
84 petitioner shall notify all such persons of the confirmation.

85 (f) Confirmation of a registered order, whether by operation of law
86 or after notice and hearing, precludes further contest of the order with
87 respect to any matter that could have been asserted at the time of
88 registration.]

89 Sec. 2. Subsection (a) of section 51-5c of the general statutes is
90 repealed and the following is substituted in lieu thereof (*Effective*
91 *October 1, 2003*):

92 (a) The Chief Court Administrator shall establish and maintain an
93 automated registry of protective orders that shall contain (1) protective
94 or restraining orders issued by courts of this state, including, but not
95 limited to, orders issued pursuant to sections 46b-15, 46b-38c, 53a-40e,
96 54-1k, 54-82q and 54-82r, and [may also contain protective orders
97 issued by courts of other states] (2) foreign orders of protection that
98 have been registered in this state pursuant to section 46b-15a, as
99 amended by this act. The registry shall clearly indicate the date of
100 commencement, the termination date, if specified, and the duration of
101 any order contained therein. The Chief Court Administrator shall
102 adopt policies and procedures for the operation of the registry.

103 Sec. 3. Section 53a-107 of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2003*):

105 (a) A person is guilty of criminal trespass in the first degree when:
106 (1) Knowing that such person is not licensed or privileged to do so,
107 such person enters or remains in a building or any other premises after
108 an order to leave or not to enter personally communicated to such
109 person by the owner of the premises or other authorized person; or (2)
110 such person enters or remains in a building or any other premises in
111 violation of a restraining order issued pursuant to section 46b-15 or a
112 protective order issued pursuant to section 46b-38c, 54-1k or 54-82r by
113 the Superior Court; or (3) such person enters or remains in a building
114 or any other premises in violation of a foreign order of protection, as
115 defined in section 46b-15a, as amended by this act, that has been issued
116 against such person, after notice and an opportunity to be heard has

117 been provided to such person, in a case involving the use, attempted
118 use or threatened use of physical force against another person.

119 (b) Criminal trespass in the first degree is a class A misdemeanor.

120 Sec. 4. Section 53a-217 of the general statutes is repealed and the
121 following is substituted in lieu thereof (*Effective October 1, 2003*):

122 (a) A person is guilty of criminal possession of a firearm or
123 electronic defense weapon when such person possesses a firearm or
124 electronic defense weapon and (1) has been convicted of a felony, (2)
125 has been convicted as delinquent for the commission of a serious
126 juvenile offense, as defined in section 46b-120, (3) knows that such
127 person is subject to a restraining or protective order [issued by] of a
128 court of this state or to a foreign order of protection, as defined in
129 section 46b-15a, as amended by this act, that has been issued against
130 such person, after notice and an opportunity to be heard has been
131 provided to such person, in a case involving the use, attempted use or
132 threatened use of physical force against another person, or (4) knows
133 that such person is subject to a firearms seizure order issued pursuant
134 to subsection (d) of section 29-38c after notice and an opportunity to be
135 heard has been provided to such person. For the purposes of this
136 section, "convicted" means having a judgment of conviction entered by
137 a court of competent jurisdiction.

138 (b) Criminal possession of a firearm or electronic defense weapon is
139 a class D felony, for which two years of the sentence imposed may not
140 be suspended or reduced by the court.

141 Sec. 5. Section 53a-217c of the general statutes is repealed and the
142 following is substituted in lieu thereof (*Effective October 1, 2003*):

143 (a) A person is guilty of criminal possession of a pistol or revolver
144 when such person possesses a pistol or revolver, as defined in section
145 29-27, and (1) has been convicted of a felony or of a violation of
146 subsection (c) of section 21a-279 [,] or section 53a-58, 53a-61, 53a-61a,
147 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has

148 been convicted as delinquent for the commission of a serious juvenile
149 offense, as defined in section 46b-120, (3) has been discharged from
150 custody within the preceding twenty years after having been found
151 not guilty of a crime by reason of mental disease or defect pursuant to
152 section 53a-13, (4) has been confined in a hospital for persons with
153 psychiatric disabilities, as defined in section 17a-495, within the
154 preceding twelve months by order of a probate court, (5) knows that
155 such person is subject to a restraining or protective order [issued by] of
156 a court of this state or to a foreign order of protection, as defined in
157 section 46b-15a, as amended by this act, that has been issued against
158 such person, after notice and an opportunity to be heard has been
159 provided to such person, in a case involving the use, attempted use or
160 threatened use of physical force against another person, (6) knows that
161 such person is subject to a firearms seizure order issued pursuant to
162 subsection (d) of section 29-38c after notice and an opportunity to be
163 heard has been provided to such person, or (7) is an alien illegally or
164 unlawfully in the United States. For the purposes of this section,
165 "convicted" means having a judgment of conviction entered by a court
166 of competent jurisdiction.

167 (b) Criminal possession of a pistol or revolver is a class D felony.

168 Sec. 6. Section 53a-223b of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2003*):

170 (a) A person is guilty of criminal violation of a restraining order
171 when (1) (A) a restraining order has been issued against such person
172 pursuant to section 46b-15, or (B) a foreign order of protection, as
173 defined in section 46b-15a, as amended by this act, has been issued
174 against such person, after notice and an opportunity to be heard has
175 been provided to such person, in a case involving the use, attempted
176 use or threatened use of physical force against another, and (2) such
177 person, having knowledge of the terms of the order, [(1)] (A) does not
178 stay away from a person or place in violation of the order, [(2)] (B)
179 contacts a person in violation of the order, [(3)] (C) imposes any
180 restraint upon the person or liberty of a person in violation of the

181 order, or [(4)] (D) threatens, harasses, assaults, molests, sexually
182 assaults or attacks a person in violation of the order.

183 (b) Criminal violation of a restraining order is a class A
184 misdemeanor.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*