



General Assembly

January Session, 2003

Amendment

LCO No. 5907

HB0643205907HDO

Offered by:

REP. LAWLOR, 99th Dist.

To: House Bill No. 6432

File No. 600

Cal. No. 404

"AN ACT CONCERNING VICTIM SERVICES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53a-46d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 A victim impact statement prepared [by] with the assistance of a
6 victim advocate to be placed in court files in accordance with
7 subdivision (2) of subsection (a) of section 54-220, as amended by this
8 act, may be read in court prior to imposition of sentence upon a
9 defendant found guilty of a crime punishable by death.

10 Sec. 502. Section 54-203 of the general statutes is repealed and the
11 following is substituted in lieu thereof (*Effective from passage*):

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

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

16 (1) To direct each hospital, whether public or private, to display
17 prominently in its emergency room posters giving notice of the
18 availability of compensation and assistance to victims of crime or their
19 dependents pursuant to this chapter, and to direct every law
20 enforcement agency of the state to inform victims of crime or their
21 dependents of their rights pursuant to this chapter;

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

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

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

35 (5) To take or cause to be taken affidavits or depositions within or
36 without the state;

37 (6) To apply for, receive, allocate, disburse and account for grants of
38 funds made available by the United States, by the state, foundations,
39 corporations and other businesses, agencies or individuals to
40 implement a program for victim services which shall assist witnesses
41 and victims of crimes as the Office of Victim Services deems
42 appropriate within the resources available and to coordinate services
43 to victims by state and community-based agencies, with priority given
44 to victims of violent crimes, by: (A) [~~assigning~~] Assigning, in

45 consultation with the Division of Criminal Justice, such victim
46 advocates as are necessary to provide assistance; (B) administering
47 victim service programs; and (C) awarding grants or purchase of
48 service contracts in accordance with the plan developed under
49 subdivision [(15)] (16) of this subsection to private nonprofit
50 organizations or local units of government for the direct delivery of
51 services, except that the provision of training and technical assistance
52 of victim service providers and the development and implementation
53 of public education campaigns may be provided by private nonprofit
54 or for-profit organizations or local units of government. Such grants
55 and contracts shall be the predominant method by which the Office of
56 Victim Services shall develop, implement and operate direct service
57 programs and provide training and technical assistance to victim
58 service providers;

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

67 (A) Subject to the provisions of sections 18-81e and 51-286e, the
68 victim shall have the right to be informed concerning the status of his
69 or her case and to be informed of the release from custody of the
70 defendant;

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

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

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

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

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

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

97 (H) Subject to the provisions of section 54-86g, the parent or legal
98 guardian of a child twelve years of age or younger who is a victim of
99 child abuse or sexual assault may request special procedural
100 considerations to be taken during the testimony of the child;

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

105 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
106 the victim of sexual assault or domestic violence can expect certain

107 records to remain confidential;

108 (8) Within available appropriations, to establish a victim's assistance
109 center which shall provide a victims' rights information clearinghouse
110 which shall be a central repository of information regarding rights of
111 victims of crime and services available to such victims and shall collect
112 and disseminate such information to assist victims;

113 (9) To provide [, not later than January 1, 1994,] a victims'
114 notification clearinghouse which shall be a central repository for
115 requests for notification filed pursuant to sections 54-228 and 54-229,
116 and to notify [, on and after January 1, 1994,] persons who have filed
117 such a request whenever an inmate has applied for release from a
118 correctional institution or reduction of sentence or review of sentence
119 pursuant to section 54-227 or whenever an inmate is scheduled to be
120 released from a correctional institution and [, on and after January 1,
121 1994,] to provide victims of family violence crimes, upon request,
122 information concerning any modification or termination of criminal
123 orders of protection;

124 (10) To establish and maintain a crime victim assistance center that
125 shall be centrally and prominently located at each courthouse. Each
126 crime victim assistance center shall prominently display information
127 concerning the rights of and services for crime victims and shall
128 provide a crime victim's resource guide that shall be prepared in
129 collaboration with the Office of the Victim Advocate and shall contain:
130 (A) A clear outline of the criminal justice process; (B) a detailed
131 description of crime victim rights, services and service providers; (C)
132 procedures for exercising the rights of crime victims; and (D) the
133 applicable forms, prescribed by the Office of the Chief Court
134 Administrator, that are necessary for exercising the rights of crime
135 victims. Not later than October 1, 2003, the Chief Court Administrator
136 shall develop and implement procedures for the maintenance and
137 operation of each crime victim assistance center;

138 [(10)] (11) To provide a telephone hotline that shall provide

139 information on referrals for various services for victims of crime and
140 their families;

141 [(11)] (12) To provide staff services to a state advisory council. The
142 council shall consist of not more than fifteen members to be appointed
143 by the Chief Justice and shall include the Chief Victim Compensation
144 Commissioner and members who represent victim populations,
145 including, but not limited to, homicide survivors, family violence
146 victims, sexual assault victims, victims of drunk drivers, and assault
147 and robbery victims, and members who represent the judicial branch
148 and executive branch agencies involved with victims of crime. The
149 members shall serve for terms of four years. Any vacancy in the
150 membership shall be filled by the appointing authority for the balance
151 of the unexpired term. The members shall receive no compensation for
152 their services. The council shall meet at least six times a year. The
153 council shall recommend to the Office of Victim Services program,
154 legislative or other matters which would improve services to victims of
155 crime and develop and coordinate needs assessments for both court-
156 based and community-based victim services. The Chief Justice shall
157 appoint two members to serve as cochairmen. Not later than December
158 fifteenth of each year, the council shall report the results of its findings
159 and activities to the Chief Court Administrator;

160 [(12)] (13) To utilize such voluntary and uncompensated services of
161 private individuals, agencies and organizations as may from time to
162 time be offered and needed;

163 [(13)] (14) To recommend policies and make recommendations to
164 agencies and officers of the state and local subdivisions of government
165 relative to victims of crime;

166 [(14)] (15) To provide support and assistance to state-wide victim
167 services coalitions and groups;

168 [(15)] (16) To develop, in coordination with the Department of Social
169 Services, the Department of Public Health, the Office of Policy and
170 Management, the Department of Children and Families and the

171 Division of Criminal Justice, a comprehensive plan to more effectively
172 administer crime victims' compensation and coordinate the delivery of
173 services to crime victims, including the funding of such services; [.]
174 Such plan shall be submitted to the Governor and the General
175 Assembly not later than January 1, 1994;]

176 [(16)] (17) Within available appropriations, to establish a crime
177 victims' information clearinghouse which shall be a central repository
178 for information collected pursuant to subdivision (9) of this subsection
179 and information made available through the criminal justice
180 information system, to provide a toll-free telephone number for access
181 to such information and to develop a plan, in consultation with all
182 agencies required to provide notification to victims, outlining any
183 needed statutory changes, resources and working agreements
184 necessary to make the Office of Victim Services the lead agency for
185 notification of victims, which plan shall be submitted to the General
186 Assembly not later than February 15, 2000;

187 [(17)] (18) To provide a training program for judges, prosecutors,
188 police, probation and parole personnel, bail commissioners, officers
189 [from] of the Department of Correction and judicial marshals to inform
190 them of victims' rights and available services; and

191 [(18)] (19) To submit to the joint standing committee of the General
192 Assembly having cognizance of matters relating to victim services, in
193 accordance with the provisions of section 11-4a, on or before January
194 15, 2000, and biennially thereafter, a report of its activities under this
195 chapter including, but not limited to, implementation of training
196 activities and mandates. Such report shall include the types of training
197 provided, entities providing training and recipients of training.

198 Sec. 503. Section 54-220 of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective October 1, 2003*):

200 (a) Victim advocates shall have the following responsibilities and
201 duties: (1) To provide initial screening of each personal injury case; (2)
202 to [prepare] assist victims in the preparation of victim impact

203 statements to be placed in court files; (3) to assist victims by providing
204 information needed for more effective processing of cases; (4) to
205 provide information and advice to individual victims and to assist
206 such victims in exercising their rights as crime victims throughout the
207 criminal justice process; (5) to direct victims to public and private
208 agencies for service; (6) to coordinate victim applications to the Office
209 of Victim Services; and (7) to assist victims in the processing of claims
210 for restitution.

211 (b) Victim advocates shall provide, on a form prescribed by the
212 Office of the Chief Court Administrator, notification to victims of their
213 rights as crime victims to be placed in court files.

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