



General Assembly

Substitute Bill No. 6745

January Session, 2005

* _____ HB06745JUD__041305_____ *

AN ACT CONCERNING VICTIM SERVICES.

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

1 Section 1. Subsection (a) of section 54-210 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (a) The Office of Victim Services or a victim compensation
5 commissioner may order the payment of compensation under this
6 chapter for: (1) Expenses actually and reasonably incurred as a result
7 of the personal injury or death of the victim, provided coverage for the
8 cost of medical care and treatment of a crime victim who does not have
9 medical insurance or who has exhausted coverage under applicable
10 health insurance policies or Medicaid shall be ordered; (2) loss of
11 earning power as a result of total or partial incapacity of such victim;
12 (3) pecuniary loss to the spouse or dependents of the deceased victim,
13 including zero to one per cent interest loans of up to one hundred
14 thousand dollars, with repayment beginning five years from the date
15 the loan was awarded, provided the family qualifies for compensation
16 as a result of murder or manslaughter of the victim; (4) pecuniary loss
17 to the relatives or dependents of a deceased victim for attendance at
18 court proceedings with respect to the criminal case of the person or
19 persons charged with committing the crime that resulted in the death
20 of the victim; and (5) any other loss, except as set forth in section 54-

21 211, as amended by this act, resulting from the personal injury or death
22 of the victim which the Office of Victim Services or a victim
23 compensation commissioner, as the case may be, determines to be
24 reasonable. [At the discretion of said office or victim compensation
25 commissioner, there shall be one hundred dollars deductible from the
26 total amount determined by said office or victim compensation
27 commissioner.] Loan funds awarded under subdivision (3) of this
28 subsection shall be used to pay for essential living expenses, directly
29 resulting from the loss of income provided by the deceased victim, or
30 preexisting financial obligations that are not otherwise forgiven or
31 excused. The Office of the Chief Court Administrator shall establish
32 procedures and forms for the application and repayment of such loans.

33 Sec. 2. Section 54-211 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective October 1, 2005*):

35 (a) (1) No order for the payment of compensation shall be made
36 under section 54-210, as amended by this act, unless the application
37 has been made within two years after the date of the personal injury or
38 death, and the personal injury or death was the result of an incident or
39 offense listed in section 54-209 which has been reported to the police
40 within five days of its occurrence or, if the incident or offense could
41 not reasonably have been reported within such period, within five
42 days of the time when a report could reasonably have been made. (2)
43 Notwithstanding the provisions of subdivision (1) of this subsection,
44 any person who, before, on or after the effective date of this section,
45 fails to make application for compensation within two years after the
46 date of the personal injury or death as a result of physical, emotional or
47 psychological injuries caused by such personal injury or death may
48 apply for a waiver of such time limitation. [provided in no event may
49 such application for waiver of the time limitation be filed later than six
50 years after the date of such personal injury or death.] The Office of
51 Victim Services, upon a finding of such physical, emotional or
52 psychological injury, may grant such waiver. (3) Notwithstanding the
53 provisions of subdivision (1) of this subsection, any minor who, before,
54 on or after the effective date of this section, fails to make application

55 for compensation within two years after the date of the personal injury
56 or death through no fault of the minor, may apply for a waiver of such
57 time limitation. [, provided in no event may such application be filed
58 later than two years after such minor attains the age of majority, or
59 seven years after the date of the personal injury or death, whichever is
60 sooner.] The Office of Victim Services, upon a finding that such minor
61 is not at fault, may grant such waiver. (4) Notwithstanding the
62 provisions of subdivision (1) of this subsection, a person who is a
63 dependent of a victim may make application for payment of
64 compensation not later than two years from the date that such person
65 discovers or in the exercise of reasonable care should have discovered
66 that the person upon whom the applicant was dependent was a victim
67 or ninety days after May 26, 2000, whichever is later. Such person shall
68 file with such application a statement signed under penalty of false
69 statement setting forth the date when such person discovered that the
70 person upon whom the applicant was dependent was a victim and the
71 circumstances that prevented such person discovering that the person
72 upon whom the applicant was dependent was a victim until more than
73 two years after the date of the incident or offense. There shall be a
74 rebuttable presumption that a person who files such a statement and is
75 otherwise eligible for compensation [under] pursuant to this chapter is
76 entitled to compensation. (5) Any waiver denied by the Office of
77 Victim Services under this subsection may be reviewed by a victim
78 compensation commissioner, provided such request for review is
79 made by the applicant within thirty days from the mailing of the notice
80 of denial by the Office of Victim Services. If a victim compensation
81 commissioner grants such waiver, the commissioner shall refer the
82 application for compensation to the Office of Victim Services for a
83 determination pursuant to section 54-205.

84 (b) No compensation shall be awarded pursuant to this chapter if:
85 (1) The offender is unjustly enriched by the award, provided
86 compensation awarded to a victim which would benefit the offender in
87 a minimal or inconsequential manner shall not be considered unjust
88 enrichment; (2) the victim violated a penal law of this state, which

89 violation caused or contributed to his injuries or death.

90 (c) No compensation shall be awarded pursuant to this chapter for
91 losses sustained for crimes against property or for noneconomic
92 detriment such as pain and suffering.

93 (d) No compensation shall be awarded pursuant to this chapter for
94 the first [hundred] twenty-five dollars of [injury] losses sustained and
95 no such compensation shall be in an amount in excess of fifteen
96 thousand dollars, except that such compensation to or for the benefit of
97 the dependents of a homicide victim shall be in an amount not to
98 exceed twenty-five thousand dollars. The claims of the dependents of a
99 deceased victim, as provided in section 54-208, shall be considered
100 derivative of the claim of such victim and the total compensation paid
101 for all claims arising from the death of such victim shall not exceed a
102 maximum of twenty-five thousand dollars.

103 (e) Orders for payment of compensation pursuant to this chapter
104 may be made only as to injuries or death resulting from incidents or
105 offenses arising on and after January 1, 1979, except that orders for
106 payment of compensation pursuant to subdivision (3) of subsection (a)
107 of section 54-209 may be made only as to injuries or death resulting
108 from incidents or offenses arising on and after July 1, 1985.

109 (f) Compensation shall be awarded pursuant to this chapter for
110 bodily injury or death resulting from a crime which occurs: (1) [within]
111 Within this state, regardless of the residency of the applicant; (2)
112 outside this state but within the territorial boundaries of the United
113 States, provided the victim, at the time of injury or death, was a
114 resident of this state and the state in which such crime occurred does
115 not have a program for compensation of victims for which such victim
116 is eligible; and (3) outside the territorial boundaries of the United
117 States, provided the applicant is a victim of international terrorism, as
118 defined in Section 2331 of Title 18 of the United States Code, and was a
119 resident of this state at the time of injury or death.

120 Sec. 3. Subsection (a) of section 54-220 of the general statutes is

121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2005*):

123 (a) Victim advocates shall have the following responsibilities and
124 duties: (1) To provide initial screening of each personal injury case; (2)
125 to assist victims in the preparation of victim impact statements to be
126 placed in court files; (3) to notify victims of their rights and request
127 that each victim so notified attest to the fact of such notification of
128 rights on a form developed by the Office of the Chief Court
129 Administrator, which form shall be signed by the victim advocate and
130 the victim and be placed in court files and a copy of which form shall
131 be provided to the victim; (4) to provide information and advice to
132 victims in order to assist such victims in exercising their rights
133 throughout the criminal justice process; (5) to direct victims to public
134 and private agencies for service; (6) to coordinate victim applications
135 to the Office of Victim Services; and (7) to assist victims in the
136 processing of claims for restitution.

137 Sec. 4. Subsection (c) of section 54-228 of the general statutes is
138 repealed and the following is substituted in lieu thereof (*Effective*
139 *October 1, 2005*):

140 (c) Such request for notification shall be in such form and content as
141 the Office of the Chief Court Administrator may prescribe. Such
142 request for notification shall be confidential and shall remain
143 confidential while in the custody of the Office of Victim Services and
144 the Department of Correction and shall not be disclosed. It shall be the
145 responsibility of the victim to notify the Office of Victim Services and
146 the Department of Correction of his or her current mailing address,
147 which shall be kept confidential and shall not be disclosed by the
148 Office of Victim Services and the Department of Correction. Nothing in
149 this section shall be construed to prohibit the Office of Victim Services
150 and the Department of Correction from communicating with each
151 other to determine if either has a current mailing address of a victim
152 and, if so, from disclosing such mailing address to each other for the
153 purpose of facilitating notification to the victim, provided such mailing

154 address shall not be further disclosed.

155 Sec. 5. Subsection (d) of section 54-230 of the general statutes is
 156 repealed and the following is substituted in lieu thereof (*Effective*
 157 *October 1, 2005*):

158 (d) Upon receipt of notice from the Department of Correction
 159 pursuant to section 54-231, the Office of Victim Services shall notify by
 160 certified mail all victims who have requested to be notified pursuant to
 161 section 54-228, as amended by this act, whenever such inmate is
 162 scheduled to be released from a correctional institution. Such notice
 163 shall be in writing and notify each victim of the date of such inmate's
 164 release. The victim shall notify the Office of Victim Services of his or
 165 her current mailing address, which shall be kept confidential and shall
 166 not be disclosed by the Office of Victim Services. Nothing in this
 167 section shall be construed to prohibit the Office of Victim Services and
 168 the Department of Correction from communicating with each other to
 169 determine if either has a current mailing address of a victim and, if so,
 170 from disclosing such mailing address to each other for the purpose of
 171 facilitating notification to the victim, provided such mailing address
 172 shall not be further disclosed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	54-210(a)
Sec. 2	<i>October 1, 2005</i>	54-211
Sec. 3	<i>October 1, 2005</i>	54-220(a)
Sec. 4	<i>October 1, 2005</i>	54-228(c)
Sec. 5	<i>October 1, 2005</i>	54-230(d)

JUD *Joint Favorable Subst.*