



General Assembly

**Substitute Bill No. 975**

January Session, 2005

\* SB00975JUD 041505 \*

**AN ACT CONCERNING STANDING CRIMINAL RESTRAINING ORDERS AND THE PENALTY FOR CRIMINAL VIOLATION OF A RESTRAINING ORDER.**

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

1 Section 1. Subsection (a) of section 53a-40e of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (a) If any person is convicted of a violation of section 53a-59, 53a-  
5 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71,  
6 53a-72a, 53a-72b, 53a-181c, 53a-181d, [or] 53a-181e or 53a-223, or of  
7 attempt or conspiracy to violate any of said sections or section 53a-54a,  
8 against a family or household member, as defined in subdivision (2) of  
9 section 46b-38a, the court may, in addition to imposing the sentence  
10 authorized for the crime under section 53a-35a, if the court is of the  
11 opinion that the history and character and the nature and  
12 circumstances of the criminal conduct of such offender indicate that a  
13 standing criminal restraining order will best serve the interest of the  
14 victim and the public, issue a standing criminal restraining order  
15 which shall remain in effect until modified or revoked by the court for  
16 good cause shown.

17 Sec. 2. Section 53a-223b of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective October 1, 2005*):

19 (a) A person is guilty of criminal violation of a restraining order  
20 when (1) (A) a restraining order has been issued against such person  
21 pursuant to section 46b-15, or (B) a foreign order of protection, as  
22 defined in section 46b-15a, has been issued against such person, after  
23 notice and an opportunity to be heard has been provided to such  
24 person, in a case involving the use, attempted use or threatened use of  
25 physical force against another, and (2) such person, having knowledge  
26 of the terms of the order, (A) does not stay away from a person or  
27 place in violation of the order, (B) contacts a person in violation of the  
28 order, (C) imposes any restraint upon the person or liberty of a person  
29 in violation of the order, or (D) threatens, harasses, assaults, molests,  
30 sexually assaults or attacks a person in violation of the order.

31 (b) Criminal violation of a restraining order is a class [A  
32 misdemeanor] D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	53a-40e(a)
Sec. 2	October 1, 2005	53a-223b

**JUD**      *Joint Favorable Subst.*