



General Assembly

January Session, 2005

Raised Bill No. 1324

LCO No. 4453

04453_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PROTECTIVE ORDERS.

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

1 Section 1. Subsections (d) and (e) of section 46b-38c of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2005*):

4 (d) In all cases of family violence, a written or oral report and
5 recommendation of the local family violence intervention unit shall be
6 available to a judge at the first court date appearance to be presented at
7 any time during the court session on that date. A judge of the Superior
8 Court may consider and impose the following conditions to protect the
9 parties, including, but not limited to: (1) Issuance of a protective order
10 pursuant to subsection (e) of this section; (2) prohibition against
11 subjecting the victim to further violence; (3) referral to a family
12 violence education program for batterers; and (4) immediate referral
13 for more extensive case assessment. [Such]

14 (e) (1) A protective order issued under this section shall be an order
15 of the court, and, except as provided in subdivision (3) of this
16 subsection, the clerk of the court shall cause (A) a certified copy of

17 such order to be sent to the victim, and (B) a copy of such order, or the
18 information contained in such order, to be sent by facsimile or other
19 means within forty-eight hours of its issuance to the law enforcement
20 agency or agencies for the town in which the victim resides, [and, if the
21 defendant resides in a town different than the town in which the
22 victim resides, to the law enforcement agency for] the town in which
23 the victim is employed and the town in which the defendant resides.
24 [If the victim is employed in a town different than the town in which
25 the victim resides, the clerk of the court shall, upon the request of the
26 victim, send, by facsimile or other means, a copy of such order, or the
27 information contained in such order, to the law enforcement agency
28 for the town in which the victim is employed within forty-eight hours
29 of the issuance of such order.]

30 [(e)] (2) A protective order issued under this section may include
31 provisions necessary to protect the victim from threats, harassment,
32 injury or intimidation by the defendant, including, but not limited to,
33 an order enjoining the defendant from [(1)] (A) imposing any restraint
34 upon the person or liberty of the victim, [(2)] (B) threatening,
35 harassing, assaulting, molesting or sexually assaulting the victim, or
36 [(3)] (C) entering the family dwelling or the dwelling of the victim.
37 Such order shall be made a condition of the bail or release of the
38 defendant and shall contain the following language: "In accordance
39 with section 53a-223 of the Connecticut General Statutes, any violation
40 of this order constitutes criminal violation of a protective order which
41 is punishable by a term of imprisonment of not more than five years, a
42 fine of not more than five thousand dollars, or both. Additionally, in
43 accordance with section 53a-107 of the Connecticut General Statutes,
44 entering or remaining in a building or any other premises in violation
45 of this order constitutes criminal trespass in the first degree which is
46 punishable by a term of imprisonment of not more than one year, a
47 fine of not more than two thousand dollars, or both. Violation of this
48 order also violates a condition of your bail or release, and may result in
49 raising the amount of bail or revoking release." Every order of the
50 court made in accordance with this section after notice and hearing

51 shall also contain the following language: "This court had jurisdiction
52 over the parties and the subject matter when it issued this protection
53 order. Respondent was afforded both notice and opportunity to be
54 heard in the hearing that gave rise to this order. Pursuant to the
55 Violence Against Women Act of 1994, 18 USC 2265, this order is valid
56 and enforceable in all fifty states, any territory or possession of the
57 United States, the District of Columbia, the Commonwealth of Puerto
58 Rico and tribal lands." The information contained in and concerning
59 the issuance of any protective order issued under this section shall be
60 entered in the registry of protective orders pursuant to section 51-5c.

61 (3) Upon application by a victim of family violence made through
62 the law enforcement agency for the town in which the victim resides, a
63 judge of the Superior Court, at any time when the courts are closed,
64 may make such emergency protective order as the judge deems
65 necessary for the protection of the victim, including relief as provided
66 in subdivision (2) of this subsection, if the victim alleges an immediate
67 and present physical danger to the victim. In the discretion of the
68 judge, any such order may be issued ex parte and immediately
69 communicated by telephone, facsimile or other electronic means to the
70 law enforcement agency or agencies for the town in which the victim
71 resides and the town in which the defendant resides. Any such order
72 shall be recorded or electronically transmitted on a form prescribed by
73 the Office of the Chief Court Administrator. The law enforcement
74 agency for the town in which the defendant resides shall notify the
75 defendant that such order has been issued and communicate to the
76 defendant the terms of such order in an expeditious manner. Such
77 order shall remain in effect until the next court day, unless extended
78 by the court with notice and opportunity to be heard afforded to the
79 defendant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	46b-38c(d) and (e)

Statement of Purpose:

To facilitate the issuance of protective orders in family violence cases at times when the courts are closed.

[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.]