



**Substitute House Bill No. 5819**

**Public Act No. 06-100**

***AN ACT CONCERNING CRIME VICTIMS.***

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

Section 1. (NEW) (*Effective from passage*) (a) A pro se litigant in any civil matter, including a habeas corpus proceeding, shall notify the clerk of the court if such litigant has been convicted of a family violence crime, as defined in section 46b-38a of the general statutes, or a violation of section 53-21, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-181e of the general statutes and if the subject of a subpoena to be issued by such litigant in such matter is the victim of the crime for which such litigant was convicted.

(b) A pro se litigant who has been convicted of said family violence crime or a violation of any of said sections shall not issue a subpoena summoning a victim of the crime for which such litigant was convicted to appear and testify at a court hearing or deposition in any civil matter, including a habeas corpus proceeding, unless a court authorizes the issuance of such subpoena in accordance with subsection (c) of this section.

(c) Whenever such pro se litigant intends to issue a subpoena to any such victim, such litigant shall provide the clerk of the court with notice of such intention. Upon receipt of such notice, the clerk of the

**Substitute House Bill No. 5819**

court shall schedule a hearing and provide notice to the pro se litigant of the date, time and place of such hearing. At such hearing, the pro se litigant shall make an offer of proof as to the content of the testimony expected to be given by the victim. If the court finds that the testimony expected to be given by the victim is relevant and necessary to the civil matter, the court shall authorize the pro se litigant to issue such subpoena to such victim. The scope of such litigant's examination of the victim shall be limited in accordance with the court's findings on the offer of proof.

Sec. 2. Subsection (a) of section 54-211 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) (1) No order for the payment of compensation shall be made under section 54-210 unless (A) the application has been made within two years after the date of the personal injury or death, [and] (B) the personal injury or death was the result of an incident or offense listed in section 54-209, [which] and (C) such incident or offense has been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within such period, within five days of the time when a report could reasonably have been made, except that a victim of a sexual assault shall not be ineligible for the payment of compensation by reason of failing to make a report pursuant to this subparagraph if such victim presented himself or herself to a health care facility within seventy-two hours of such sexual assault for examination and collection of evidence of such sexual assault in accordance with the provisions of section 19a-112a, as amended. (2) Notwithstanding the provisions of subdivision (1) of this subsection, any person who, before, on or after October 1, 2005, fails to make application for compensation within two years after the date of the personal injury or death as a result of physical, emotional or psychological injuries caused by such personal injury or

***Substitute House Bill No. 5819***

death may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding of such physical, emotional or psychological injury, may grant such waiver. (3) Notwithstanding the provisions of subdivision (1) of this subsection, any minor who, before, on or after October 1, 2005, fails to make application for compensation within two years after the date of the personal injury or death through no fault of the minor, may apply for a waiver of such time limitation. The Office of Victim Services, upon a finding that such minor is not at fault, may grant such waiver. (4) Notwithstanding the provisions of subdivision (1) of this subsection, a person who is a dependent of a victim may make application for payment of compensation not later than two years from the date that such person discovers or in the exercise of reasonable care should have discovered that the person upon whom the applicant was dependent was a victim or ninety days after May 26, 2000, whichever is later. Such person shall file with such application a statement signed under penalty of false statement setting forth the date when such person discovered that the person upon whom the applicant was dependent was a victim and the circumstances that prevented such person discovering that the person upon whom the applicant was dependent was a victim until more than two years after the date of the incident or offense. There shall be a rebuttable presumption that a person who files such a statement and is otherwise eligible for compensation pursuant to this chapter is entitled to compensation. (5) Any waiver denied by the Office of Victim Services under this subsection may be reviewed by a victim compensation commissioner, provided such request for review is made by the applicant within thirty days from the mailing of the notice of denial by the Office of Victim Services. If a victim compensation commissioner grants such waiver, the commissioner shall refer the application for compensation to the Office of Victim Services for a determination pursuant to section 54-205. (6) Notwithstanding the provisions of subdivision (1), (2) or (3) of this subsection, the Office of Victim Services may, for good cause shown and upon a finding of

**Substitute House Bill No. 5819**

compelling equitable circumstances, waive the time limitations of subdivision (1) of this subsection.

Sec. 3. Subsection (d) of section 54-211 of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(d) (1) No compensation shall be awarded for the first hundred dollars of injury sustained and no such compensation shall be in an amount in excess of fifteen thousand dollars except that such compensation to or for the benefit of the dependents of a homicide victim shall be in an amount not to exceed twenty-five thousand dollars. The claims of the dependents of a deceased victim, as provided in section 54-208, shall be considered derivative of the claim of such victim and the total compensation paid for all claims arising from the death of such victim shall not exceed a maximum of twenty-five thousand dollars.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, the Office of Victim Services or a victim compensation commissioner may, for good cause shown and upon a finding of compelling equitable circumstances, award compensation in an amount in excess of the maximum amounts set forth in said subdivision.

Sec. 4. (*Effective from passage*) The Chief State's Attorney, in consultation with the Chief Court Administrator, shall develop a plan for the establishment and implementation of a state-wide automated victim information and notification system to provide automatic notice of relevant offender information and status reports to registered crime victims. Not later than January 1, 2007, the Chief State's Attorney shall submit such plan, including any recommended legislation necessary to implement such plan, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary, in

**Substitute House Bill No. 5819**

accordance with section 11-4a of the general statutes.

Sec. 5. Section 54-240l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Secretary of the State shall be a program participant's agent upon whom any summons, writ, notice, demand or process in any action, proceeding or other matter involving the program participant shall be served.

(b) The Secretary of the State shall notify the chairperson of the State Marshal Commission of the names of program participants and the commission shall create a list to be used by state marshals to determine if a person upon whom process is to be served is a program participant. If a person is identified on the list as a program participant, a state marshal shall make service upon the Secretary of the State in accordance with subsection (c) of this section. Prior to making service, a state marshal shall verify the participation of a specific program participant as provided in subdivision (3) of subsection (a) of section 54-240m.

[(b)] (c) A program participant may be served by any proper officer or other person lawfully empowered to make service by leaving two true and attested copies of such summons, writ, notice, demand or process, together with the required fee, at the office of the Secretary of the State or depositing the same in the United States mail, by registered or certified mail, postage prepaid, addressed to the Secretary of the State's office and marked "Address Confidentiality Program". The Secretary of the State shall file one copy of the summons, writ, notice, demand or process and keep a record of the date and hour of receipt. The Secretary of the State shall, not later than two business days after such service, forward by registered or certified mail the copy of such summons, writ, notice, demand or process to the program participant at the confidential address shown on the records

***Substitute House Bill No. 5819***

of the Secretary of the State.

[(c)] (d) Service is effective pursuant to this section as of the date and hour received by the Secretary of the State as shown on the records of the Secretary of the State.

Approved June 2, 2006