



House of Representatives

General Assembly

File No. 179

February Session, 2006

House Bill No. 5543

House of Representatives, March 28, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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 51-52 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2006*):

4 (a) Clerks shall: (1) Receive the files, processes and documents
5 returnable to their court locations, (2) make records of all proceedings
6 required to be recorded, (3) have the custody of the active files and
7 records of the court, (4) have the custody of the records of the former
8 county court within their districts, (5) have the custody of and keep
9 safely in the appropriate office, or store as provided in subsection (b)
10 of this section, as records of the court, all judicial files, records and
11 dockets belonging to or concerning the office of justices of the peace
12 and trial justices, judges of borough, city, town and police courts, the
13 traffic court of Danbury, the Circuit Court and the Court of Common
14 Pleas, or belonging to or concerning such courts, including record
15 books kept by town clerks under the provisions of sections 51-101 and

16 51-106 of the general statutes, revision of 1958, (6) make and keep
17 dockets of causes in their court locations, (7) issue executions on
18 judgments, (8) collect and receive all fines and forfeitures imposed or
19 decreed by the court, including fines paid after commitment, (9) collect
20 and receive monetary contributions made to the Criminal Injuries
21 Compensation Fund pursuant to section 54-56h, as amended by this
22 act, (10) account for and pay or deposit all fees, fines, forfeitures and
23 contributions made to the Criminal Injuries Compensation Fund and
24 the proceeds of judgments of their office in the manner provided by
25 sections 4-32 and 51-56a, as amended by this act, [(10)] (11) file with
26 the Reporter of Judicial Decisions copies of memoranda of decisions in
27 Superior Court cases, as provided in section 51-215a, and [(11)] (12)
28 perform all other duties imposed on them by law.

29 Sec. 2. Subsection (a) of section 51-56a of the general statutes is
30 repealed and the following is substituted in lieu thereof (*Effective July*
31 *1, 2006*):

32 (a) Each clerk of the Supreme Court and Superior Court shall
33 account for and pay or deposit all fees, fines, forfeitures and
34 contributions made to the Criminal Injuries Compensation Fund and
35 the proceeds of judgments of [his] such clerk's office in the manner
36 provided by section 4-32. If any such clerk fails to so account and pay
37 or deposit, such failure shall be reported by the Treasurer to the Chief
38 Court Administrator who may thereupon remove the clerk. When any
39 such clerk dies before so accounting and paying or depositing, the
40 Treasurer shall require the executor of [his] such clerk's will or
41 administrator of [his] such clerk's estate to so account. If any such clerk
42 is removed from office, the Treasurer shall require [him] such clerk to
43 account for any money of the state remaining in [his] such clerk's
44 hands at the time of such removal and, if [he] such clerk neglects to so
45 account, the Treasurer shall certify the neglect to the Chief Court
46 Administrator.

47 Sec. 3. Section 54-56h of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective July 1, 2006*):

49 (a) The court may, in the disposition of any criminal or motor
50 vehicle case, including a dismissal or the imposition of a sentence,
51 consider the fact that the defendant has made a monetary contribution
52 to the Criminal Injuries Compensation Fund established under section
53 54-215 or a contribution of community service work hours to a private
54 nonprofit charity or other nonprofit organization.

55 (b) In entering a nolle prosequi, the state's attorney, assistant state's
56 attorney or deputy assistant state's attorney in charge of the case may
57 consider the fact that the defendant has made a monetary contribution
58 to the Criminal Injuries Compensation Fund [established under section
59 54-215] or a contribution of community service work hours to a private
60 nonprofit charity or other nonprofit organization.

61 (c) A monetary contribution made by a defendant to the Criminal
62 Injuries Compensation Fund as provided in this section may be paid to
63 either the clerk of the court or the Office of Victim Services.

64 Sec. 4. Subsection (a) of section 54-210 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective July*
66 *1, 2006*):

67 (a) The Office of Victim Services or a victim compensation
68 commissioner may order the payment of compensation under this
69 chapter for: (1) Expenses actually and reasonably incurred as a result
70 of the personal injury or death of the victim, provided coverage for the
71 cost of medical care and treatment of a crime victim who does not have
72 medical insurance or who has exhausted coverage under applicable
73 health insurance policies or Medicaid shall be ordered; (2) loss of
74 earning power as a result of total or partial incapacity of such victim;
75 (3) pecuniary loss to the spouse or dependents of the deceased victim,
76 including zero to one per cent interest loans of up to one hundred
77 thousand dollars, with repayment beginning five years from the date
78 the loan was awarded, provided the family qualifies for compensation
79 as a result of murder or manslaughter of the victim; (4) pecuniary loss
80 to the relatives or dependents of a deceased victim for attendance at
81 court proceedings with respect to the criminal case of the person or

82 persons charged with committing the crime that resulted in the death
 83 of the victim; and (5) any other loss, except as set forth in section 54-
 84 211, as amended, resulting from the personal injury or death of the
 85 victim which the Office of Victim Services or a victim compensation
 86 commissioner, as the case may be, determines to be reasonable. [At the
 87 discretion of said office or victim compensation commissioner, there
 88 shall be one hundred dollars deductible from the total amount
 89 determined by said office or victim compensation commissioner.] Loan
 90 funds awarded under subdivision (3) of this subsection shall be used
 91 to pay for essential living expenses, directly resulting from the loss of
 92 income provided by the deceased victim, or preexisting financial
 93 obligations that are not otherwise forgiven or excused. The Office of
 94 the Chief Court Administrator shall establish procedures and forms for
 95 the application and repayment of such loans.

96 Sec. 5. Subsection (d) of section 54-211 of the 2006 supplement to the
 97 general statutes is repealed and the following is substituted in lieu
 98 thereof (*Effective July 1, 2006*):

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	51-52(a)
Sec. 2	<i>July 1, 2006</i>	51-56a(a)
Sec. 3	<i>July 1, 2006</i>	54-56h
Sec. 4	<i>July 1, 2006</i>	54-210(a)

Sec. 5	July 1, 2006	54-211(d)
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JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.	CICF - Revenue Gain	Indeterminate	Indeterminate
Judicial Dept.	CICF - Cost	60,000	60,000

Note: CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

Explanation

The bill enhances revenues to the Criminal Injuries Compensation Fund (CICF) by facilitating contributions to it. Under current law the court may, in the disposition of any criminal or motor vehicle case, consider the fact that the defendant has made a monetary contribution to the CICF; approximately \$500,000 in revenues are generated annually through these court-ordered donations. The CICF supports limited financial compensation to eligible victims as well as the provision of contracted counseling services. In addition to court-ordered donations, about \$1.5 million is deposited into the CICF annually from court fees imposed for certain crimes or motor vehicle violations. The fund balance is roughly \$4.5 million at present.

The bill reduces, from \$100 to \$25, the amount of the deductible for victim compensation awards. This change would cost the CICF about \$60,000 each year.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Judicial Dept.	CICF - Revenue	Indeterminate	Indeterminate	Indeterminate

	Gain			
Judicial Dept.	CICF - Cost	60,000	60,000	60,000

Note: CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

OLR Bill Analysis
HB 5543

AN ACT CONCERNING VICTIM SERVICES.

SUMMARY:

By law, a court or prosecutor can consider a criminal defendant's contribution to the Criminal Injuries Compensation Fund when determining the disposition of a criminal or motor vehicle case. This bill gives defendants the option to make contributions to the fund by submitting payment to the clerk of court or the Office of Victim Services (OVS). It requires clerks to receive and deposit the contributions. Under current law, defendants can make the payments only to OVS.

The bill reduces, from \$100 to \$25, the amount of loss that a victim sustains that is deductible from crime victim compensation claims. It also eliminates the discretion of OVS or a victim compensation commissioner to deduct \$100 from a crime victim's compensation award.

Lastly, the bill makes technical changes.

EFFECTIVE DATE: July 1, 2006

BACKGROUND

Crime Victim Compensation

OVS or a victim compensation commissioner may compensate crime victims or their immediate families when the victim is deceased, incapacitated, or a minor child, for reasonable and necessary expenses, lost wages, pecuniary losses, and other loss resulting from injury or death. Maximum awards are \$15,000 for personal injuries and \$25,000 for death. Eligible victims must have been injured or killed during (1) their attempts to prevent crime, aid police, or apprehend suspects; (2)

attempts to commit, or actual commissions of, crime by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/13/2006)