



General Assembly

January Session, 2007

Raised Bill No. 7234

LCO No. 4510

04510_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING VICTIM SERVICES.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) The cost of service by any
2 proper officer of any process, notice, order or other document
3 requiring such service pursuant to section 46b-15 of the general
4 statutes, as amended by this act, shall be paid by the judicial branch.
5 The cost of service by any proper officer of any foreign order of
6 protection, as defined in section 46b-15a of the general statutes,
7 requiring such service in this state shall be paid by the judicial branch,
8 unless the cost of such service is paid by another state, the District of
9 Columbia, a commonwealth, territory or possession of the United
10 States or an Indian tribe.

11 Sec. 2. Subsection (e) of section 46b-15 of the general statutes is
12 repealed and the following is substituted in lieu thereof (*Effective*
13 *October 1, 2007*):

14 (e) The applicant shall cause notice of the hearing pursuant to
15 subsection (b) of this section and a copy of the application and the
16 applicant's affidavit and of any ex parte order issued pursuant to

17 subsection (b) of this section to be served on the respondent not less
18 than five days before the hearing. [The cost of such service shall be
19 paid for by the judicial branch.] Upon the granting of an ex parte
20 order, the clerk of the court shall provide two certified copies of the
21 order to the applicant. Upon the granting of an order after notice and
22 hearing, the clerk of the court shall provide two certified copies of the
23 order to the applicant and a copy to the respondent. Every order of the
24 court made in accordance with this section after notice and hearing
25 shall contain the following language: "This court had jurisdiction over
26 the parties and the subject matter when it issued this protection order.
27 Respondent was afforded both notice and opportunity to be heard in
28 the hearing that gave rise to this order. Pursuant to the Violence
29 Against Women Act of 1994, 18 USC 2265, this order is valid and
30 enforceable in all fifty states, any territory or possession of the United
31 States, the District of Columbia, the Commonwealth of Puerto Rico
32 and tribal lands." Immediately after making service on the respondent,
33 the proper officer shall send or cause to be sent, by facsimile or other
34 means, a copy of the application, or the information contained in such
35 application, stating the date and time the respondent was served, to
36 the law enforcement agency or agencies for the town in which the
37 applicant resides, the town in which the applicant is employed and the
38 town in which the respondent resides. The clerk of the court shall
39 send, by facsimile or other means, a copy of any ex parte order and of
40 any order after notice and hearing, or the information contained in any
41 such order, to the law enforcement agency or agencies for the town in
42 which the applicant resides, the town in which the applicant is
43 employed and the town in which the respondent resides, within forty-
44 eight hours of the issuance of such order.

45 Sec. 3. Subsection (a) of section 54-210 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2007*):

48 (a) The Office of Victim Services or a victim compensation
49 commissioner may order the payment of compensation under this

50 chapter for: (1) [Expenses] Eighty-five per cent of the expenses actually
51 and reasonably incurred as a result of the personal injury or death of
52 the victim, provided coverage for the cost of medical care and
53 treatment of a crime victim who does not have medical insurance or
54 who has exhausted coverage under applicable health insurance
55 policies or Medicaid shall be ordered; (2) loss of earning power as a
56 result of total or partial incapacity of such victim; (3) pecuniary loss to
57 the spouse or dependents of the deceased victim, including zero to one
58 per cent loans of up to one hundred thousand dollars, with repayment
59 beginning five years from the date the loan was awarded, provided the
60 family qualifies for compensation as a result of murder or
61 manslaughter of the victim; (4) pecuniary loss to the relatives or
62 dependents of a deceased victim for attendance at court proceedings
63 with respect to the criminal case of the person or persons charged with
64 committing the crime that resulted in the death of the victim; and (5)
65 any other loss, except as set forth in section 54-211, resulting from the
66 personal injury or death of the victim which the Office of Victim
67 Services or a victim compensation commissioner, as the case may be,
68 determines to be reasonable. At the discretion of said office or such
69 victim compensation commissioner, there shall be one hundred dollars
70 deductible from the total amount determined by said office or such
71 victim compensation commissioner. Loan funds awarded under
72 subdivision (3) of this subsection shall be used to pay for essential
73 living expenses, directly resulting from the loss of income provided by
74 the deceased victim, or preexisting financial obligations that are not
75 otherwise forgiven or excused. The Office of the Chief Court
76 Administrator shall establish procedures and forms for the application
77 and repayment of such loans.

78 Sec. 4. Section 54-226 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2007*):

80 For the purposes of sections 54-226 to 54-231, inclusive, ["furlough"]
81 as amended by this act:

82 (1) "Furlough" means the temporary custodial transfer of an inmate
83 from incarcerative custody to community custody for an authorized
84 purpose under the supervision of a verified community sponsor; [, and
85 "victim"]

86 (2) "Reentry furlough" means a furlough for the purpose of
87 reintegrating an inmate into the community that allows such inmate to
88 serve the period immediately preceding such inmate's parole release or
89 discharge date in the community; and

90 (3) "Victim" means the victim, the legal representative of the victim
91 or a member of the deceased victim's immediate family.

92 Sec. 5. Subsection (a) of section 54-227 of the general statutes is
93 repealed and the following is substituted in lieu thereof (*Effective*
94 *October 1, 2007*):

95 (a) Any inmate who makes an application to the Board of Pardons
96 and Paroles or the Department of Correction for release [other than a]
97 or a reentry furlough from a correctional institution, or who applies to
98 the sentencing court or judge for a reduction in sentence pursuant to
99 section 53a-39, or who applies to the review division for a review of
100 sentence pursuant to section 51-195, shall notify the Office of Victim
101 Services and the Victim Services Unit within the Department of
102 Correction of such application on a form prescribed by the Office of
103 the Chief Court Administrator. Notwithstanding any provision of the
104 general statutes, no such application shall be accepted unless the
105 applicant has notified the Office of Victim Services and the Victim
106 Services Unit within the Department of Correction pursuant to this
107 subsection and provides proof of such notice as part of the application.
108 Notice by an applicant pursuant to this subsection is not required in
109 the case of any furlough that is not a reentry furlough.

110 Sec. 6. Section 54-228 of the general statutes is repealed and the
111 following is substituted in lieu thereof (*Effective October 1, 2007*):

112 (a) Any victim of a crime or any member of an inmate's immediate
113 family who desires to be notified whenever an inmate makes an
114 application to the Board of Pardons and Paroles, the Department of
115 Correction, the sentencing court or judge or the review division as
116 provided in section 54-227, as amended by this act, or whenever an
117 inmate is scheduled to be released or granted a reentry furlough from
118 a correctional institution, [other than on a furlough, except a furlough
119 that is granted for the purpose of reintegrating an inmate into the
120 community and allows such inmate to serve the period immediately
121 preceding such inmate's parole release or discharge date in the
122 community,] may complete and file a request for notification with the
123 Office of Victim Services or the Victim Services Unit within the
124 Department of Correction. Notification to a victim or family member
125 pursuant to this subsection is not required in the case of any furlough
126 that is not a reentry furlough.

127 (b) Any victim of a criminal offense against a victim who is a minor,
128 a nonviolent sexual offense or a sexually violent offense, as [those
129 terms are] defined respectively in section 54-250, or a felony found by
130 the sentencing court to have been committed for a sexual purpose, as
131 provided in section 54-254, who desires to be notified whenever the
132 person who was convicted or found not guilty by reason of mental
133 disease or defect of such offense files an application with the court to
134 be exempted from the registration requirements of section 54-251
135 pursuant to subsection (b) or (c) of said section or files a petition with
136 the court pursuant to section 54-255 for an order restricting the
137 dissemination of the registration information, or removing such
138 restriction, may complete and file a request for notification with the
139 Office of Victim Services or the Victim Services Unit within the
140 Department of Correction.

141 (c) [Such] A request for notification filed pursuant to this section
142 shall be in such form and content as the Office of the Chief Court
143 Administrator may prescribe. Such request for notification shall be
144 confidential and shall remain confidential while in the custody of the

145 Office of Victim Services and the Department of Correction and shall
146 not be disclosed. It shall be the responsibility of the victim to notify the
147 Office of Victim Services and the Victim Services Unit within the
148 Department of Correction of his or her current mailing address and
149 telephone number, which shall be kept confidential and shall not be
150 disclosed by the Office of Victim Services and the Department of
151 Correction. Nothing in this section shall be construed to prohibit the
152 Office of Victim Services, the Board of Pardons and Paroles and the
153 Victim Services Unit within the Department of Correction from
154 communicating with each other [to determine if either has a current
155 mailing address of a victim and, if so, from disclosing such mailing
156 address to each other] for the purpose of facilitating notification to
157 [the] a victim and disclosing to each other the name, mailing address
158 and telephone number of a victim, provided such [mailing address]
159 information shall not be further disclosed.

160 Sec. 7. Subsection (d) of section 54-230 of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2007*):

163 (d) Upon receipt of notice from the Department of Correction
164 pursuant to section 54-231, as amended by this act, the Office of Victim
165 Services shall notify by certified mail all victims who have requested to
166 be notified pursuant to section 54-228, as amended by this act,
167 whenever [such] an inmate is scheduled to be released or granted a
168 reentry furlough from a correctional institution. Such notice shall be in
169 writing and notify each victim of the date of such inmate's release or
170 reentry furlough. The victim shall notify the Office of Victim Services
171 of his or her current mailing address and telephone number, which
172 shall be kept confidential and shall not be disclosed by the Office of
173 Victim Services. Nothing in this section shall be construed to prohibit
174 the Office of Victim Services, the Board of Pardons and Paroles and the
175 Victim Services Unit within the Department of Correction from
176 communicating with each other [to determine if either has a current
177 mailing address of a victim and, if so, from disclosing such mailing

178 address to each other] for the purpose of facilitating notification to
179 [the] a victim and disclosing to each other the name, mailing address
180 and telephone number of the victim, provided such [mailing address]
181 information shall not be further disclosed. Notice to a victim pursuant
182 to this subsection is not required in the case of any furlough that is not
183 a reentry furlough.

184 Sec. 8. Section 54-231 of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective October 1, 2007*):

186 The Department of Correction shall notify the Office of Victim
187 Services whenever [it] the department schedules the release or a
188 reentry furlough of an inmate from a correctional institution. [other
189 than on a furlough, except a furlough that is granted for the purpose of
190 reintegrating an inmate into the community and allows such inmate to
191 serve the period immediately preceding such inmate's parole release or
192 discharge date in the community.] Notwithstanding any provision of
193 the general statutes to the contrary, the Department of Correction may
194 make available to the Office of Victim Services direct access to any
195 records in its custody, including computerized criminal history record
196 information, for the purpose of assisting said office to perform its
197 duties regarding victim notification.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	46b-15(e)
Sec. 3	<i>October 1, 2007</i>	54-210(a)
Sec. 4	<i>October 1, 2007</i>	54-226
Sec. 5	<i>October 1, 2007</i>	54-227(a)
Sec. 6	<i>October 1, 2007</i>	54-228
Sec. 7	<i>October 1, 2007</i>	54-230(d)
Sec. 8	<i>October 1, 2007</i>	54-231

Statement of Purpose:

To provide that the cost of service of certain restraining orders and foreign orders of protection shall be paid by the judicial branch as required by the federal Violence Against Women Act, to permit the Office of Victim Services and the Board of Pardons and Paroles to share victim contact information, and to provide for notice to victims in cases of inmate reentry furloughs.

[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.]