



General Assembly

January Session, 2007

Raised Bill No. 7235

LCO No. 4492

04492_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING CRIME VICTIMS AND THE AUTHORITY OF
THE VICTIM ADVOCATE.**

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

1 Section 1. Section 46a-13c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 The Victim Advocate may, within available appropriations:

4 (1) Evaluate the delivery of services to crime victims by state
5 agencies and those entities that provide services to crime victims,
6 including the delivery of services to families of crime victims by the
7 Office of the Chief Medical Examiner;

8 (2) Coordinate and cooperate with other private and public agencies
9 concerned with the implementation, monitoring and enforcement of
10 the constitutional rights of crime victims and enter into cooperative
11 agreements with public or private agencies for the furtherance of the
12 constitutional rights of crime victims;

13 (3) Review the procedures established by any state agency or other
14 entity providing services to crime victims with respect to the

15 constitutional rights of crime victims;

16 (4) Receive and review complaints of persons concerning the actions
17 of any state or other entity providing services to crime victims and
18 investigate those where it appears that a crime victim or family of a
19 crime victim may be in need of assistance from the Victim Advocate;

20 (5) File a limited special appearance in any court proceeding for the
21 purpose of advocating for any right guaranteed to a crime victim by
22 the Constitution of the state or any right provided to a crime victim by
23 any provision of the general statutes;

24 (6) Pursue appellate relief on behalf of a crime victim for the
25 purpose of advocating for any right guaranteed to such crime victim
26 by the Constitution of the state or any right provided to such crime
27 victim by any provision of the general statutes in any case in which an
28 alleged violation of any such right has occurred in any court
29 proceeding;

30 [(6)] (7) Ensure a centralized location for victim services
31 information;

32 [(7)] (8) Recommend changes in state policies concerning crime
33 victims, including changes in the system of providing victim services;

34 [(8)] (9) Conduct programs of public education, undertake
35 legislative advocacy, and make proposals for systemic reform;

36 [(9)] (10) Monitor the provision of protective services to witnesses
37 by the Chief State's Attorney pursuant to section 54-82t; and

38 [(10)] (11) Take appropriate steps to advise the public of the services
39 of the Office of the Victim Advocate, the purpose of the office and
40 procedures to contact the office.

41 Sec. 2. Section 46a-13d of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective October 1, 2007*):

43 (a) All state, local and private agencies shall have a duty to
44 cooperate with any investigation conducted by the Office of the Victim
45 Advocate. [Consistent with the provisions] Notwithstanding any
46 provision of the general statutes concerning the confidentiality of
47 records and information, the Victim Advocate shall have access to,
48 including the right to inspect and copy, any records necessary to carry
49 out the responsibilities of the Victim Advocate as provided in section
50 46a-13c, as amended by this act, except any medical, psychiatric or
51 substance abuse treatment records that are confidential pursuant to
52 state or federal law. [Nothing contained in this subsection shall be
53 construed to waive a victim's right to confidentiality of
54 communications or records as protected by any provision of the
55 general statutes or common law.] If the Victim Advocate is denied
56 access to any records or information necessary to carry out such
57 responsibilities, the Victim Advocate may issue a subpoena for the
58 production of such records or information as provided in subsection
59 (c) of this section.

60 (b) In the performance of his or her responsibilities under section
61 46a-13c, as amended by this act, the Victim Advocate may
62 communicate privately with any crime victim or person who has
63 received, is receiving or should have received services from the state.
64 Such communications shall be confidential and not be subject to
65 disclosure, except as provided in subsection (a) of section 46a-13e.

66 (c) Except as otherwise provided in this subsection, the Victim
67 Advocate may issue subpoenas to compel the attendance and
68 testimony of witnesses or the production of books, papers and other
69 documents and to administer oaths to witnesses in any matter under
70 investigation by the Victim Advocate. If any person to whom such
71 subpoena is issued fails to appear or, having appeared, refuses to give
72 testimony or fails to produce the evidence required, the Victim
73 Advocate may apply to the superior court for the judicial district of
74 Hartford which shall have jurisdiction to order such person to appear
75 and give testimony or to produce such evidence, as the case may be.

76 No subpoena may be issued under this subsection that is directed to
77 the defendant in a criminal prosecution or the defendant's attorney, or
78 for the production of books, papers and other documents by such
79 defendant or the defendant's attorney, or to compel the attendance and
80 testimony of such defendant or the defendant's attorney.

81 [(c)] (d) The Victim Advocate may apply for and accept grants, gifts
82 and bequests of funds from other states, federal and interstate agencies
83 and independent authorities and private firms, individuals and
84 foundations, for the purpose of carrying out his or her responsibilities.

85 Sec. 3. Section 53a-32 of the general statutes is repealed and the
86 following is substituted in lieu thereof (*Effective October 1, 2007*):

87 (a) At any time during the period of probation or conditional
88 discharge, the court or any judge thereof may issue a warrant for the
89 arrest of a defendant for violation of any of the conditions of probation
90 or conditional discharge, or may issue a notice to appear to answer to a
91 charge of such violation, which notice shall be personally served upon
92 the defendant. Any such warrant shall authorize all officers named
93 therein to return the defendant to the custody of the court or to any
94 suitable detention facility designated by the court. Whenever a
95 defendant has, in the judgment of such defendant's probation officer,
96 violated the conditions of such defendant's probation, the probation
97 officer may, in lieu of having such defendant returned to court for
98 proceedings in accordance with this section, place such defendant in
99 the zero-tolerance drug supervision program established pursuant to
100 section 53a-39d. Whenever a sexual offender, as defined in section
101 54-260, has violated the conditions of such person's probation by
102 failing to notify such person's probation officer of any change of such
103 person's residence address, as required by said section, such probation
104 officer may notify any police officer that such person has, in such
105 officer's judgment, violated the conditions of such person's probation
106 and such notice shall be sufficient warrant for the police officer to
107 arrest such person and return such person to the custody of the court

108 or to any suitable detention facility designated by the court. Any
109 probation officer may arrest any defendant on probation without a
110 warrant or may deputize any other officer with power to arrest to do
111 so by giving such other officer a written statement setting forth that the
112 defendant has, in the judgment of the probation officer, violated the
113 conditions of the defendant's probation. Such written statement,
114 delivered with the defendant by the arresting officer to the official in
115 charge of any correctional center or other place of detention, shall be
116 sufficient warrant for the detention of the defendant. After making
117 such an arrest, such probation officer shall present to the detaining
118 authorities a similar statement of the circumstances of violation.
119 Provisions regarding release on bail of persons charged with a crime
120 shall be applicable to any defendant arrested under the provisions of
121 this [section] subsection. Upon such arrest and detention, the
122 probation officer shall immediately so notify the court or any judge
123 thereof. Thereupon, or upon an arrest by warrant as [herein] provided
124 in this subsection, the court shall cause the defendant to be brought
125 before it without unnecessary delay for a hearing on the violation
126 charges. At such hearing, the defendant shall be informed of the
127 manner in which such defendant is alleged to have violated the
128 conditions of such defendant's probation or conditional discharge,
129 shall be advised by the court that such defendant has the right to retain
130 counsel and, if indigent, shall be entitled to the services of the public
131 defender, and shall have the right to cross-examine witnesses and to
132 present evidence in such defendant's own behalf.

133 (b) Whenever a defendant's probation officer takes any action
134 authorized pursuant to subsection (a) of this section, or upon an arrest
135 of the defendant by warrant as provided in said subsection, the
136 probation officer shall notify any victim of the crime for which the
137 defendant was convicted, who has requested such notification and has
138 provided the probation officer with a current address and contact
139 information, of the alleged violation of the conditions of probation or
140 conditional discharge by the defendant and the place, date and time of
141 any hearing on the violation charges. Such notice shall be given in

142 writing by certified mail, return receipt requested.

143 [(b) If such violation] (c) If a violation of the conditions of the
144 defendant's probation or conditional discharge is established, the court
145 shall permit any victim of the crime for which the defendant was
146 convicted to appear before the court for the purpose of making a
147 statement for the record regarding disposition of the case under this
148 subsection. In lieu of such appearance, the crime victim may submit a
149 written statement to the court and the statement shall be made part of
150 the record at the hearing. After considering the crime victim's
151 statement, the court may: (1) Continue the sentence of probation or
152 conditional discharge; (2) modify or enlarge the conditions of
153 probation or conditional discharge; (3) extend the period of probation
154 or conditional discharge, provided the original period with any
155 extensions shall not exceed the periods authorized by section 53a-29; or
156 (4) revoke the sentence of probation or conditional discharge. If such
157 sentence is revoked, the court shall require the defendant to serve the
158 sentence imposed or impose any lesser sentence. Any such lesser
159 sentence may include a term of imprisonment, all or a portion of which
160 may be suspended entirely or after a period set by the court, followed
161 by a period of probation with such conditions as the court may
162 establish. No such revocation shall be ordered, except upon
163 consideration of the whole record and unless such violation is
164 established by the introduction of reliable and probative evidence and
165 by a preponderance of the evidence.

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

168 Upon the arrest of a person for a violation of section 53a-181c, 53a-
169 181d or 53a-181e, the court may issue a protective order pursuant to
170 this section. Upon the arrest of a person for a violation of section 53a-
171 182b or 53a-183, or for any offense involving the use, attempted use or
172 threatened use of physical force against another person, the court may
173 issue a protective order pursuant to this section if [it] the court finds

174 that such violation or offense caused the victim to reasonably fear for
175 his or her physical safety. Such order shall be an order of the court, and
176 the clerk of the court shall cause a certified copy of such order to be
177 sent to the victim, and a copy of such order, or the information
178 contained in such order, to be sent by facsimile or other means within
179 forty-eight hours of its issuance to the appropriate law enforcement
180 agency. A protective order issued under this section may include
181 provisions necessary to protect the victim from threats, harassment,
182 injury or intimidation by the defendant, including, but not limited to,
183 an order enjoining the defendant from (1) imposing any restraint upon
184 the person or liberty of the victim, (2) threatening, harassing,
185 assaulting, molesting or sexually assaulting the victim, or (3) entering
186 the dwelling of the victim. Such order shall be made a condition of the
187 bail or release of the defendant and shall contain the following
188 language: "In accordance with section 53a-223 of the Connecticut
189 general statutes, any violation of this order constitutes criminal
190 violation of a protective order which is punishable by a term of
191 imprisonment of not more than five years, a fine of not more than five
192 thousand dollars, or both. Additionally, in accordance with section
193 53a-107 of the Connecticut general statutes, entering or remaining in a
194 building or any other premises in violation of this order constitutes
195 criminal trespass in the first degree which is punishable by a term of
196 imprisonment of not more than one year, a fine of not more than two
197 thousand dollars, or both. Violation of this order also violates a
198 condition of your bail or release and may result in raising the amount
199 of bail or revoking release." The information contained in and
200 concerning the issuance of any protective order issued under this
201 section shall be entered in the registry of protective orders pursuant to
202 section 51-5c.

203 Sec. 5. Subsection (b) of section 54-56e of the general statutes is
204 repealed and the following is substituted in lieu thereof (*Effective*
205 *October 1, 2007*):

206 (b) The court may, in its discretion, invoke such program on motion

207 of the defendant or on motion of a state's attorney or prosecuting
208 attorney with respect to a defendant who (1) [who,] the court believes
209 [] will probably not offend in the future, (2) [who] has no previous
210 record of conviction of a crime or of a violation of section 14-196,
211 subsection (c) of section 14-215, section 14-222a, subsection (a) of
212 section 14-224 or section 14-227a, (3) [who] has not been adjudged a
213 youthful offender within the preceding five years under the provisions
214 of sections 54-76b to 54-76n, inclusive, and (4) [who] states under oath,
215 in open court or before any person designated by the clerk and duly
216 authorized to administer oaths, under the penalties of perjury, that the
217 defendant has never had such program invoked in the defendant's
218 behalf, provided the defendant shall agree thereto and provided notice
219 has been given by the [defendant] court, on a form approved by rule of
220 court, to the victim or victims of such crime or motor vehicle violation,
221 if any, by registered or certified mail, and such victim or victims have
222 an opportunity to be heard thereon. In determining whether to grant
223 an application under this section with respect to a person who has
224 been adjudged a youthful offender under the provisions of sections 54-
225 76b to 54-76n, inclusive, more than five years prior to the date of such
226 application, and notwithstanding the provisions of section 54-76l, as
227 amended by this act, the court shall have access to the youthful
228 offender records of such person and may consider the nature and
229 circumstances of the crime with which such person was charged as a
230 youth. Any defendant who makes application for participation in such
231 program shall pay to the court an application fee of thirty-five dollars.

232 Sec. 6. Subsection (b) of section 54-76l of the general statutes is
233 repealed and the following is substituted in lieu thereof (*Effective*
234 *October 1, 2007*):

235 (b) The records of any such youth, or any part thereof, may be
236 disclosed to and between individuals and agencies, and employees of
237 such agencies, providing services directly to the youth, including law
238 enforcement officials, state and federal prosecutorial officials, school
239 officials in accordance with section 10-233h, court officials, the Division

240 of Criminal Justice, the Court Support Services Division [.] and the
241 Board of Pardons and Paroles. [and] Such records shall also be
242 available to an advocate appointed pursuant to section 54-221 for a
243 victim of a crime committed by the youth and to the Victim Advocate,
244 in the performance of his or her responsibilities under section 46a-13c,
245 as amended by this act, when requested by such victim. Such records
246 shall also be available to the attorney representing the youth, in any
247 proceedings in which such records are relevant, to the parents or
248 guardian of such youth, until such time as the youth reaches the age of
249 majority or is emancipated, and to the youth upon his or her
250 emancipation or attainment of the age of majority, provided proof of
251 the identity of such youth is submitted in accordance with guidelines
252 prescribed by the Chief Court Administrator. Such records disclosed
253 pursuant to this subsection shall not be further disclosed.

254 Sec. 7. Section 54-91b of the general statutes is repealed and the
255 following is substituted in lieu thereof (*Effective October 1, 2007*):

256 (a) In any case, without a showing of good cause, upon the request
257 of the defendant or [his] the defendant's attorney, prior to sentencing
258 the defendant, the court shall provide the defendant or [his] the
259 defendant's attorney with a copy of [his] the defendant's record of
260 prior convictions. [and in] In any case [wherein] in which a
261 presentence investigation is ordered, without a showing of good cause,
262 the court shall provide the defendant or [his] the defendant's attorney
263 with a copy of the presentence investigation report at least twenty-four
264 hours prior to the date set for sentencing. [and in] In both such cases,
265 the court shall hear motions addressed to the accuracy of any part of
266 such record or report.

267 (b) In any case in which a presentence investigation is ordered,
268 without a showing of good cause, upon the request of the victim of the
269 crime for which the defendant was convicted, prior to sentencing the
270 defendant, the court shall provide the crime victim with a copy of the
271 portion of the presentence investigation report that pertains to or was

272 prepared with input from the crime victim at least twenty-four hours
273 prior to the date set for sentencing. Prior to sentencing the defendant,
274 the court shall provide the crime victim with an opportunity to
275 address the court regarding the accuracy of such portion of the
276 presentence investigation report. For the purposes of this subsection,
277 "crime victim" has the same meaning as provided in section 1-1k and
278 includes the legal representative of a victim of crime.

279 Sec. 8. Section 54-203 of the general statutes is repealed and the
280 following is substituted in lieu thereof (*Effective October 1, 2007*):

281 (a) There is established an Office of Victim Services within the
282 Judicial Department.

283 (b) The Office of Victim Services shall have the following powers
284 and duties:

285 (1) To direct each hospital, whether public or private, to display
286 prominently in its emergency room posters giving notice of the
287 availability of compensation and assistance to victims of crime or their
288 dependents pursuant to this chapter, and to direct [every] each law
289 enforcement agency of the state to inform victims of crime or their
290 dependents of their rights pursuant to this chapter;

291 (2) To request from the office of the state's attorney, state police,
292 local police departments or any law enforcement agency such
293 investigation and data as will enable the Office of Victim Services to
294 determine if in fact the applicant was a victim of a crime or attempted
295 crime and the extent, if any, to which the victim or claimant was
296 responsible for his or her own injury;

297 (3) To request from the Department of Correction, other units of the
298 Judicial Department and the Board of Pardons and Paroles such
299 information as will enable the Office of Victim Services to determine if
300 in fact a person who has requested notification pursuant to section 54-
301 228 was a victim of a crime;

302 (4) To direct medical examination of victims as a requirement for
303 payment under this chapter;

304 (5) To take or cause to be taken affidavits or depositions within or
305 without the state;

306 (6) To apply for, receive, allocate, disburse and account for grants of
307 funds made available by the United States, by the state, foundations,
308 corporations and other businesses, agencies or individuals to
309 implement a program for victim services which shall assist witnesses
310 and victims of crimes as the Office of Victim Services deems
311 appropriate, within [the resources] available resources, and to
312 coordinate services to victims by state and community-based agencies,
313 with priority given to victims of violent crimes, by (A) assigning, in
314 consultation with the Division of Criminal Justice, such victim
315 advocates as are necessary to provide assistance; (B) administering
316 victim service programs; and (C) awarding grants or purchase of
317 service contracts in accordance with the plan developed under
318 subdivision (15) of this subsection to private nonprofit organizations or
319 local units of government for the direct delivery of services, except that
320 the provision of training and technical assistance [of] to victim service
321 providers and the development and implementation of public
322 education campaigns may be provided by private nonprofit or for-
323 profit organizations or local units of government. Such grants and
324 contracts shall be the predominant method by which the Office of
325 Victim Services shall develop, implement and operate direct service
326 programs and provide training and technical assistance to victim
327 service providers;

328 (7) To provide each person who applies for compensation pursuant
329 to section 54-204, within ten days of the date of receipt of such
330 application, with a written list of rights of victims of crime involving
331 personal injury and the programs available in this state to assist such
332 victims. The Office of Victim Services, the state or any agent, employee
333 or officer thereof shall not be liable for the failure to supply such list or

334 any alleged inadequacies of such list. Such list shall include, but not be
335 limited to:

336 (A) Subject to the provisions of sections 18-81e and 51-286e, the
337 victim shall have the right to be informed concerning the status of his
338 or her case and to be informed of the release from custody of the
339 defendant;

340 (B) Subject to the provisions of section 54-91c, the victim shall have
341 the right to present a statement of his or her losses, injuries and wishes
342 to the prosecutor and the court prior to the acceptance by the court of a
343 plea of guilty or nolo contendere made pursuant to a plea agreement
344 with the state wherein the defendant pleads to a lesser offense than the
345 offense with which the defendant was originally charged;

346 (C) Subject to the provisions of section 54-91c, prior to the
347 imposition of sentence upon the defendant, the victim shall have the
348 right to appear before the court for the purpose of making a statement
349 for the record or, in lieu of such appearance, to submit a statement to
350 the prosecutor as to the extent of any injuries, financial losses and loss
351 of earnings directly resulting from the crime;

352 (D) Subject to the provisions of section 54-126a, the victim shall have
353 the right to appear before a panel of the Board of Pardons and Paroles
354 and make a statement as to whether the defendant should be released
355 on parole and any terms or conditions to be imposed upon any such
356 release;

357 (E) Subject to the provisions of section 54-36a, the victim shall have
358 the right to have any property the victim owns which was seized by
359 police in connection with an arrest to be returned;

360 (F) Subject to the provisions of sections 54-56e, as amended by this
361 act, and 54-142c, the victim shall have the right to be notified of, and to
362 be heard regarding, the application by the defendant for the pretrial
363 program for accelerated rehabilitation and to obtain from the court

364 information as to whether the criminal prosecution in the case has
365 been dismissed;

366 (G) Subject to the provisions of section 54-85b, the victim cannot be
367 fired, harassed or otherwise retaliated against by an employer (i) for
368 appearing under a subpoena as a witness in any criminal prosecution,
369 (ii) for attending court proceedings related to the criminal prosecution,
370 or (iii) when a protective or restraining order has been issued on the
371 victim's behalf;

372 (H) Subject to the provisions of section 54-86g, the parent or legal
373 guardian of a child twelve years of age or younger who is a victim of
374 child abuse or sexual assault may request special procedural
375 considerations to be taken during the testimony of the child;

376 (I) Subject to the provisions of section 46b-15, the victim of assault
377 by a spouse or former spouse, family or household member has the
378 right to request the arrest of the offender, request a protective order
379 and apply for a restraining order;

380 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
381 the victim of sexual assault or domestic violence can expect certain
382 records to remain confidential;

383 (8) Within available appropriations, to establish a victim's assistance
384 center which shall provide a victims' rights information clearinghouse
385 which shall be a central repository of information regarding rights of
386 victims of crime and services available to such victims and shall collect
387 and disseminate such information to assist victims;

388 (9) To provide, not later than January 1, 1994, a victims' notification
389 clearinghouse which shall be a central repository for requests for
390 notification filed pursuant to sections 54-228 and 54-229, and to notify,
391 on and after January 1, 1994, persons who have filed such a request
392 whenever an inmate has applied for release from a correctional
393 institution or reduction of sentence or review of sentence pursuant to

394 section 54-227 or whenever an inmate is scheduled to be released from
395 a correctional institution and, on and after January 1, 1994, to provide
396 victims of family violence crimes, upon request, information
397 concerning any modification or termination of criminal orders of
398 protection;

399 (10) To provide a telephone hotline that shall provide information
400 on referrals for various services for victims of crime and their families;

401 (11) To provide staff services to a state advisory council. The council
402 shall consist of not more than fifteen members to be appointed by the
403 Chief Justice and shall include the Chief Victim Compensation
404 Commissioner and members who represent victim populations,
405 including, but not limited to, homicide survivors, family violence
406 victims, sexual assault victims, victims of drunk drivers [,] and assault
407 and robbery victims, and members who represent the judicial branch
408 and executive branch agencies involved with victims of crime. The
409 members shall serve for terms of four years. Any vacancy in the
410 membership shall be filled by the appointing authority for the balance
411 of the unexpired term. The members shall receive no compensation for
412 their services. The council shall meet at least six times a year. The
413 council shall recommend to the Office of Victim Services program,
414 legislative or other matters which would improve services to victims of
415 crime and develop and coordinate needs assessments for both court-
416 based and community-based victim services. The Chief Justice shall
417 appoint two members to serve as [cochairmen] cochairpersons. Not
418 later than December fifteenth of each year, the council shall report the
419 results of its findings and activities to the Chief Court Administrator;

420 (12) To utilize such voluntary and uncompensated services of
421 private individuals, agencies and organizations as may from time to
422 time be offered and needed;

423 (13) To recommend policies and make recommendations to agencies
424 and officers of the state and local subdivisions of government relative
425 to victims of crime;

426 (14) To provide support and assistance to state-wide victim services
427 coalitions and groups;

428 [(15) To develop, in coordination with the Department of Social
429 Services, the Department of Public Health, the Office of Policy and
430 Management, the Department of Children and Families and the
431 Division of Criminal Justice, a comprehensive plan to more effectively
432 administer crime victims' compensation and coordinate the delivery of
433 services to crime victims, including the funding of such services. Such
434 plan shall be submitted to the Governor and the General Assembly not
435 later than January 1, 1994;

436 (16) Within available appropriations to establish a crime victims'
437 information clearinghouse which shall be a central repository for
438 information collected pursuant to subdivision (9) of this subsection
439 and information made available through the criminal justice
440 information system, to provide a toll-free telephone number for access
441 to such information and to develop a plan, in consultation with all
442 agencies required to provide notification to victims, outlining any
443 needed statutory changes, resources and working agreements
444 necessary to make the Office of Victim Services the lead agency for
445 notification of victims, which plan shall be submitted to the General
446 Assembly not later than February 15, 2000;]

447 (15) To establish and maintain a crime victim assistance center at
448 each Superior Court facility, including each superior court for juvenile
449 matters. Each crime victim assistance center shall be prominently
450 identified and centrally located within such facility and shall display
451 and make available information concerning the rights of victims of
452 crime and the availability of victim services, including a crime victim's
453 resource guide. Such guide shall be developed and published by the
454 Office of Victim Services in collaboration with the Office of the Victim
455 Advocate and shall include, but not be limited to, (A) a clear outline of
456 the criminal justice process, (B) a detailed description of victim rights,
457 services and service providers in the state, (C) procedures to follow in

458 exercising such rights, and (D) recommended forms for use in
459 exercising such rights. Not later than January 1, 2008, the Chief Court
460 Administrator shall develop and implement procedures for the
461 maintenance and operation of each crime victim assistance center;

462 [(17)] (16) To provide a training program for judges, prosecutors,
463 police, probation and parole personnel, bail commissioners, officers
464 from the Department of Correction and judicial marshals to inform
465 them of victims' rights and available services; and

466 [(18)] (17) To submit to the joint standing committee of the General
467 Assembly having cognizance of matters relating to victim services, in
468 accordance with the provisions of section 11-4a, on or before January
469 15, 2000, and biennially thereafter, a report of its activities under this
470 chapter, including, but not limited to, implementation of training
471 activities and mandates. Such report shall include the types of training
472 provided, entities providing training and recipients of training.

473 Sec. 9. Section 54-220 of the general statutes is repealed and the
474 following is substituted in lieu thereof (*Effective October 1, 2007*):

475 (a) Victim advocates shall have the following responsibilities and
476 duties: (1) To provide initial screening of each personal injury case; (2)
477 to assist victims in the preparation of victim impact statements to be
478 placed in court files; (3) to notify victims of their rights and request
479 that each victim so notified attest to the fact of such notification of
480 rights on a form developed by the Office of the Chief Court
481 Administrator, which form shall be signed by the victim advocate and
482 the victim and be placed in court files and a copy of which form shall
483 be provided to the victim; (4) to provide information and advice to
484 victims in order to assist such victims in exercising their rights
485 throughout the criminal justice process, including, but not limited to,
486 providing each victim with a form, developed by the Office of the
487 Chief Court Administrator in collaboration with the Office of the
488 Victim Advocate, that shall be used to notify the court and the
489 prosecuting authority of the victim's intent to exercise any right

490 guaranteed to such victim by the Constitution of the state or any right
491 provided to such victim by any provision of the general statutes, and
492 furnishing a copy of any such form that is completed by a victim to the
493 court, the prosecuting authority and the victim; (5) to direct victims to
494 public and private agencies for service; (6) to coordinate victim
495 applications to the Office of Victim Services; and (7) to assist victims in
496 the processing of claims for restitution.

497 (b) Within available appropriations, the Office of Victim Services
498 may contract with any public or private agency for victim advocate
499 services in geographical area courts.

500 Sec. 10. (NEW) (*Effective October 1, 2007*) The prosecuting authority,
501 upon receiving notice of the filing of an appeal or other postconviction
502 remedy arising from a criminal matter by a defendant convicted of any
503 crime, shall promptly inform any victim of such crime in writing, by
504 certified mail, return receipt requested, of such appeal or
505 postconviction remedy, provided the crime victim has requested
506 notification and has provided a current address and contact
507 information to the prosecuting authority. The prosecuting authority
508 shall also provide such crime victim with the following information:
509 (1) A brief explanation of the appellate or postconviction process,
510 including the possible disposition of the case; (2) whether the
511 defendant has been released on bail or other recognizance pending the
512 disposition of the appeal or postconviction proceeding; (3) the date,
513 time and place of any hearing, any subsequent change in the date, time
514 and place of the hearing and the crime victim's right to attend such
515 hearing; and (4) the result of the appeal or postconviction proceeding.
516 For the purposes of this section, "crime victim" has the same meaning
517 as provided in section 1-1k of the general statutes and includes the
518 legal representative of a victim of crime.

519 Sec. 11. (NEW) (*Effective October 1, 2007*) The prosecuting authority,
520 upon receiving notice of the filing of an appeal or other postconviction
521 remedy arising from a delinquency matter by a child convicted as

522 delinquent, shall promptly inform any victim of the child's delinquent
 523 act in writing, by certified mail, return receipt requested, of such
 524 appeal or postconviction remedy, provided the victim has requested
 525 notification and has provided a current address and contact
 526 information to the prosecuting authority. The prosecuting authority
 527 shall also provide such victim with the following information: (1) A
 528 brief explanation of the appellate or postconviction process, including
 529 the possible disposition of the case; (2) whether the child has been
 530 released on bail or other recognizance pending the disposition of the
 531 appeal or postconviction proceeding; (3) the date, time and place of
 532 any hearing, any subsequent change in the date, time and place of the
 533 hearing and the victim's right to attend such hearing; and (4) the result
 534 of the appeal or postconviction proceeding. For the purposes of this
 535 section, "victim" means a victim of crime, as defined in section 1-1k of
 536 the general statutes and includes the legal representative of such
 537 victim.

538 Sec. 12. (NEW) (*Effective October 1, 2007*) In any criminal
 539 prosecution, any personal identifying information pertaining to a
 540 crime victim that is furnished to the court or the prosecuting authority,
 541 or both, for the purpose of providing notice of the crime victim's intent
 542 to exercise any right guaranteed to such crime victim by the
 543 Constitution of the state or any right provided to such crime victim by
 544 any provision of the general statutes shall be confidential and shall not
 545 be disclosed to the public or the defendant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	46a-13c
Sec. 2	<i>October 1, 2007</i>	46a-13d
Sec. 3	<i>October 1, 2007</i>	53a-32
Sec. 4	<i>October 1, 2007</i>	54-1k
Sec. 5	<i>October 1, 2007</i>	54-56e(b)
Sec. 6	<i>October 1, 2007</i>	54-76l(b)
Sec. 7	<i>October 1, 2007</i>	54-91b

Sec. 8	<i>October 1, 2007</i>	54-203
Sec. 9	<i>October 1, 2007</i>	54-220
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	New section
Sec. 12	<i>October 1, 2007</i>	New section

Statement of Purpose:

To authorize the Victim Advocate to pursue appellate relief on behalf of crime victims, issue subpoenas and have access to the records of youthful offenders, to require that a victim receive notice and an opportunity to make a statement regarding a violation of probation or conditional discharge, to allow a victim of any offense involving the use of physical force to obtain a protective order, to require the court to notify a victim regarding a defendant's application for pretrial accelerated rehabilitation and provide a victim with the victim input portion of a presentence investigation report, to require the establishment of crime victim assistance centers, to clarify certain victims' rights and provide for a victims' rights notice form, to require that a victim receive notice and information regarding an appeal in a criminal or juvenile delinquency matter, and to ensure the confidentiality of personal identifying information pertaining to a victim.

[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.]