



General Assembly

Substitute Bill No. 243

February Session, 2008

* _____SB00243JUD____032408_____*

**AN ACT CONCERNING THE ESTABLISHMENT OF A SEXUAL
ASSAULT FORENSIC EXAMINERS PROGRAM.**

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

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) There is established a
2 Sexual Assault Forensic Examiners Advisory Committee consisting of
3 the following: (1) The Chief State's Attorney, or the Chief State's
4 Attorney's designee; (2) the Commissioner of Public Health, or the
5 commissioner's designee; (3) a representative from the Division of
6 Scientific Services appointed by the Commissioner of Public Safety; (4)
7 a representative from the Division of State Police appointed by the
8 Commissioner of Public Safety; (5) the Victim Advocate, or the Victim
9 Advocate's designee; (6) the president of the Connecticut Hospital
10 Association, or the president's designee; (7) the president of the
11 Connecticut College of Emergency Physicians, or the president's
12 designee; (8) one member from Connecticut Sexual Assault Crisis
13 Services, Inc., appointed by its board of directors; and (9) one member
14 from the Connecticut Chapter of the International Association of
15 Forensic Nurses, appointed by the association.

16 (b) The committee shall advise the Office of Victim Services on the
17 establishment and implementation of the sexual assault forensic
18 examiners program pursuant to subsection (b) of section 54-203 of the
19 general statutes, as amended by this act. The committee shall make
20 specific recommendations concerning: (1) The recruitment of

21 registered nurses, advanced practice registered nurses and physicians
22 to participate in such program; (2) the development of a specialized
23 training course concerning such program for registered nurses,
24 advanced practice registered nurses and physicians who participate in
25 the program; (3) the development of agreements between the Office of
26 Victim Services, the Department of Public Health and acute care
27 hospitals relating to the scope of services offered under the program
28 and hospital standards governing the provision of such services; (4)
29 individual case tracking mechanisms; (5) utilization of medically
30 accepted best practices; and (6) the development of quality assurance
31 measures.

32 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) As used in this section
33 "sexual assault forensic examiner" means a registered nurse or
34 advanced practice registered nurse licensed pursuant to chapter 378 of
35 the general statutes, or a physician licensed pursuant to chapter 370 of
36 the general statutes.

37 (b) A sexual assault forensic examiner may provide immediate care
38 and treatment to a victim of sexual assault who is a patient in an acute
39 care hospital and may collect evidence pertaining to the investigation
40 of any sexual assault in accordance with the State of Connecticut
41 Technical Guidelines for Health Care Response to Victims of Sexual
42 Assault, published by the Commission on the Standardization of the
43 Collection of Evidence in Sexual Assault Investigations pursuant to
44 section 19a-112a of the general statutes. Services provided by a sexual
45 assault forensic examiner shall be: (1) In accordance with the hospital's
46 policies and accreditation standards; and (2) pursuant to a written
47 agreement entered into by the hospital, the Department of Public
48 Health and the Office of Victim Services concerning the hospital's
49 participation in the sexual assault forensic examiners program.
50 Nothing in this section shall be construed as altering the scope of
51 practice of nursing as set forth in section 20-87a of the general statutes.

52 Sec. 3. Subsection (b) of section 54-203 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective July*

54 1, 2008):

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

57 (1) To direct each hospital, whether public or private, to display
58 prominently in its emergency room posters giving notice of the
59 availability of compensation and assistance to victims of crime or their
60 dependents pursuant to sections 54-201 to 54-233, inclusive, and to
61 direct every law enforcement agency of the state to inform victims of
62 crime or their dependents of their rights pursuant to sections 54-201 to
63 54-233, inclusive;

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

70 (3) To request from the Department of Correction, other units of the
71 Judicial Department and the Board of Pardons and Paroles such
72 information as will enable the Office of Victim Services to determine if
73 in fact a person who has requested notification pursuant to section 54-
74 228 was a victim of a crime;

75 (4) To direct medical examination of victims as a requirement for
76 payment under sections 54-201 to 54-233, inclusive;

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

79 (6) To apply for, receive, allocate, disburse and account for grants of
80 funds made available by the United States, by the state, foundations,
81 corporations and other businesses, agencies or individuals to
82 implement a program for victim services which shall assist witnesses
83 and victims of crimes as the Office of Victim Services deems

84 appropriate within the resources available and to coordinate services
85 to victims by state and community-based agencies, with priority given
86 to victims of violent crimes, by (A) assigning, in consultation with the
87 Division of Criminal Justice, such victim advocates as are necessary to
88 provide assistance; (B) administering victim service programs; and (C)
89 awarding grants or purchase of service contracts in accordance with
90 the plan developed under subdivision (15) of this subsection to private
91 nonprofit organizations or local units of government for the direct
92 delivery of services, except that the provision of training and technical
93 assistance of victim service providers and the development and
94 implementation of public education campaigns may be provided by
95 private nonprofit or for-profit organizations or local units of
96 government. Such grants and contracts shall be the predominant
97 method by which the Office of Victim Services shall develop,
98 implement and operate direct service programs and provide training
99 and technical assistance to victim service providers;

100 (7) To provide each person who applies for compensation pursuant
101 to section 54-204, within ten days of the date of receipt of such
102 application, with a written list of rights of victims of crime involving
103 personal injury and the programs available in this state to assist such
104 victims. The Office of Victim Services, the state or any agent, employee
105 or officer thereof shall not be liable for the failure to supply such list or
106 any alleged inadequacies of such list. Such list shall include, but not be
107 limited to:

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

112 (B) Subject to the provisions of section 54-91c, the victim shall have
113 the right to present a statement of his or her losses, injuries and wishes
114 to the prosecutor and the court prior to the acceptance by the court of a
115 plea of guilty or nolo contendere made pursuant to a plea agreement
116 with the state wherein the defendant pleads to a lesser offense than the

117 offense with which the defendant was originally charged;

118 (C) Subject to the provisions of section 54-91c, prior to the
119 imposition of sentence upon the defendant, the victim shall have the
120 right to submit a statement to the prosecutor as to the extent of any
121 injuries, financial losses and loss of earnings directly resulting from the
122 crime;

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

128 (E) Subject to the provisions of section 54-36a of the 2008
129 supplement to the general statutes, the victim shall have the right to
130 have any property the victim owns which was seized by police in
131 connection with an arrest to be returned;

132 (F) Subject to the provisions of sections 54-56e of the 2008
133 supplement to the general statutes and 54-142c, the victim shall have
134 the right to be notified of the application by the defendant for the
135 pretrial program for accelerated rehabilitation and to obtain from the
136 court information as to whether the criminal prosecution in the case
137 has been dismissed;

138 (G) Subject to the provisions of section 54-85b, the victim cannot be
139 fired, harassed or otherwise retaliated against by an employer for
140 appearing under a subpoena as a witness in any criminal prosecution;

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

145 (I) Subject to the provisions of section 46b-15 of the 2008 supplement
146 to the general statutes, the victim of assault by a spouse or former

147 spouse, family or household member has the right to request the arrest
148 of the offender, request a protective order and apply for a restraining
149 order;

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

153 (8) Within available appropriations, to establish a victim's assistance
154 center which shall provide a victims' rights information clearinghouse
155 which shall be a central repository of information regarding rights of
156 victims of crime and services available to such victims and shall collect
157 and disseminate such information to assist victims;

158 (9) To provide, not later than January 1, 1994, a victims' notification
159 clearinghouse which shall be a central repository for requests for
160 notification filed pursuant to sections 54-228 and 54-229, and to notify,
161 on and after January 1, 1994, persons who have filed such a request
162 whenever an inmate has applied for release from a correctional
163 institution or reduction of sentence or review of sentence pursuant to
164 section 54-227 or whenever an inmate is scheduled to be released from
165 a correctional institution and, on and after January 1, 1994, to provide
166 victims of family violence crimes, upon request, information
167 concerning any modification or termination of criminal orders of
168 protection;

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

171 (11) To provide staff services to a state advisory council. The council
172 shall consist of not more than fifteen members to be appointed by the
173 Chief Justice and shall include the Chief Victim Compensation
174 Commissioner and members who represent victim populations,
175 including but not limited to, homicide survivors, family violence
176 victims, sexual assault victims, victims of drunk drivers, and assault
177 and robbery victims, and members who represent the judicial branch
178 and executive branch agencies involved with victims of crime. The

179 members shall serve for terms of four years. Any vacancy in the
180 membership shall be filled by the appointing authority for the balance
181 of the unexpired term. The members shall receive no compensation for
182 their services. The council shall meet at least six times a year. The
183 council shall recommend to the Office of Victim Services program,
184 legislative or other matters which would improve services to victims of
185 crime and develop and coordinate needs assessments for both court-
186 based and community-based victim services. The Chief Justice shall
187 appoint two members to serve as cochairmen. Not later than December
188 fifteenth of each year, the council shall report the results of its findings
189 and activities to the Chief Court Administrator;

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

193 (13) To recommend policies and make recommendations to agencies
194 and officers of the state and local subdivisions of government relative
195 to victims of crime;

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

198 (15) To develop, in coordination with the Department of Social
199 Services, the Department of Public Health, the Office of Policy and
200 Management, the Department of Children and Families and the
201 Division of Criminal Justice, a comprehensive plan to more effectively
202 administer crime victims' compensation and coordinate the delivery of
203 services to crime victims, including the funding of such services. Such
204 plan shall be submitted to the Governor and the General Assembly not
205 later than January 1, 1994;

206 (16) Within available appropriations to establish a crime victims'
207 information clearinghouse which shall be a central repository for
208 information collected pursuant to subdivision (9) of this subsection
209 and information made available through the criminal justice
210 information system, to provide a toll-free telephone number for access

211 to such information and to develop a plan, in consultation with all
212 agencies required to provide notification to victims, outlining any
213 needed statutory changes, resources and working agreements
214 necessary to make the Office of Victim Services the lead agency for
215 notification of victims, which plan shall be submitted to the General
216 Assembly not later than February 15, 2000;

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

221 (18) Within available appropriations, to establish a sexual assault
222 forensic examiners program that will train and make available sexual
223 assault forensic examiners to adolescent and adult victims of sexual
224 assault who are patients at participating acute care hospitals; and

225 [(18)] (19) To submit to the joint standing committee of the General
226 Assembly having cognizance of matters relating to victim services, in
227 accordance with the provisions of section 11-4a, on or before January
228 15, 2000, and biennially thereafter a report of its activities under
229 sections 54-201 to 54-233, inclusive, including, but not limited to,
230 implementation of training activities and mandates. Such report shall
231 include the types of training provided, entities providing training and
232 recipients of training.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2008	New section
Sec. 2	July 1, 2008	New section
Sec. 3	July 1, 2008	54-203(b)

PH Joint Favorable Subst. C/R JUD

JUD Joint Favorable