



General Assembly

January Session, 2009

**Committee Bill No. 5091**

LCO No. 3889

\*03889HB05091AGE\*

Referred to Committee on Select Committee on Aging

Introduced by:  
(AGE)

***AN ACT CONCERNING ELDERLY VICTIMS OF FRAUD.***

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

1 Section 1. Section 54-201 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 As used in sections 54-201 to 54-233, inclusive, as amended by this  
4 act, and section 5 of this act:

5 (1) "Victim" means a person who is injured or killed as provided in  
6 section 54-209 or a person sixty-seven years of age or older who has  
7 suffered a monetary loss;

8 (2) "Personal injury" means (A) actual bodily harm and mental  
9 anguish which is the direct result of bodily injury and includes  
10 pregnancy and any condition thereof, or (B) injury to a guide dog or  
11 assistance dog owned or kept by a blind or disabled person;

12 (3) "Dependent" means any relative of a deceased victim or a person  
13 designated by a deceased victim in accordance with section 1-56r who  
14 was wholly or partially dependent upon his income at the time of his

15 death or the child of a deceased victim and shall include the child of  
16 such victim born after his death;

17 (4) "Relative of any person" means the spouse, parent, grandparent,  
18 stepparent, child, including natural born, step and adopted,  
19 grandchild, brother, sister, half brother, half sister or spouse's parents;

20 (5) "Crime" means any act which is a felony, as defined in section  
21 53a-25, or misdemeanor, as defined in section 53a-26, and includes any  
22 crime committed by a juvenile; and

23 (6) "Monetary loss" means a loss resulting from the wrongful taking,  
24 obtaining or withholding of an owner's property by another person  
25 who intends to deprive the owner of the owner's property or  
26 appropriate the property to himself or a third person.

27 Sec. 2. Subsection (b) of section 54-203 of the general statutes is  
28 repealed and the following is substituted in lieu thereof (*Effective*  
29 *October 1, 2009*):

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

32 (1) To direct each hospital, whether public or private, to display  
33 prominently in its emergency room posters giving notice of the  
34 availability of compensation and assistance to victims of crime or their  
35 dependents pursuant to sections 54-201 to 54-233, inclusive, as  
36 amended by this act, [and] to direct every law enforcement agency of  
37 the state to inform victims of crime or their dependents of their rights  
38 pursuant to sections 54-201 to 54-233, inclusive, as amended by this  
39 act, and to direct municipal senior centers to provide information to  
40 patrons regarding the availability of compensation and assistance to  
41 victims of crime resulting in a monetary loss or their dependents  
42 pursuant to sections 54-201 to 54-233, inclusive, as amended by this  
43 act;

44 (2) To request from the office of the state's attorney, state police,

45 local police departments or any law enforcement agency such  
46 investigation and data as will enable the Office of Victim Services to  
47 determine if in fact the applicant was a victim of a crime or attempted  
48 crime and the extent, if any, to which the victim or claimant was  
49 responsible for his own injury;

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

55 (4) To direct medical examination of victims as a requirement for  
56 payment under sections 54-201 to 54-233, inclusive, as amended by this  
57 act;

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

60 (6) To apply for, receive, allocate, disburse and account for grants of  
61 funds made available by the United States, by the state, foundations,  
62 corporations and other businesses, agencies or individuals to  
63 implement a program for victim services which shall assist witnesses  
64 and victims of crimes as the Office of Victim Services deems  
65 appropriate within the resources available and to coordinate services  
66 to victims by state and community-based agencies, with priority given  
67 to victims of violent crimes, by (A) assigning, in consultation with the  
68 Division of Criminal Justice, such victim advocates as are necessary to  
69 provide assistance; (B) administering victim service programs; and (C)  
70 awarding grants or purchase of service contracts in accordance with  
71 the plan developed under subdivision (15) of this subsection to private  
72 nonprofit organizations or local units of government for the direct  
73 delivery of services, except that the provision of training and technical  
74 assistance of victim service providers and the development and  
75 implementation of public education campaigns may be provided by  
76 private nonprofit or for-profit organizations or local units of

77 government. Such grants and contracts shall be the predominant  
78 method by which the Office of Victim Services shall develop,  
79 implement and operate direct service programs and provide training  
80 and technical assistance to victim service providers;

81 (7) To provide each person who applies for compensation pursuant  
82 to section 54-204, as amended by this act, [within] not later than ten  
83 days [of] after the date of receipt of such application, with a written list  
84 of rights of victims of crime involving personal injury and the  
85 programs available in this state to assist such victims. The Office of  
86 Victim Services, the state or any agent, employee or officer thereof  
87 shall not be liable for the failure to supply such list or any alleged  
88 inadequacies of such list. Such list shall include, but not be limited to:

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

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

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

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

108 release;

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

112 (F) Subject to the provisions of sections 54-56e and 54-142c, the  
113 victim shall have the right to be notified of the application by the  
114 defendant for the pretrial program for accelerated rehabilitation and to  
115 obtain from the court information as to whether the criminal  
116 prosecution in the case has been dismissed;

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

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

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

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

131 (8) Within available appropriations, to establish a victim's assistance  
132 center which shall provide a victims' rights information clearinghouse  
133 which shall be a central repository of information regarding rights of  
134 victims of crime and services available to such victims and shall collect  
135 and disseminate such information to assist victims;

136 (9) To provide, not later than January 1, 1994, a victims' notification

137 clearinghouse which shall be a central repository for requests for  
138 notification filed pursuant to sections 54-228 and 54-229, and to notify,  
139 on and after January 1, 1994, persons who have filed such a request  
140 whenever an inmate has applied for release from a correctional  
141 institution or reduction of sentence or review of sentence pursuant to  
142 section 54-227 or whenever an inmate is scheduled to be released from  
143 a correctional institution and, on and after January 1, 1994, to provide  
144 victims of family violence crimes, upon request, information  
145 concerning any modification or termination of criminal orders of  
146 protection;

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

149 (11) To provide staff services to a state advisory council. The council  
150 shall consist of not more than fifteen members to be appointed by the  
151 Chief Justice and shall include the Chief Victim Compensation  
152 Commissioner and members who represent victim populations,  
153 including but not limited to, homicide survivors, family violence  
154 victims, sexual assault victims, victims of drunk drivers, and assault  
155 and robbery victims, and members who represent the judicial branch  
156 and executive branch agencies involved with victims of crime. The  
157 members shall serve for terms of four years. Any vacancy in the  
158 membership shall be filled by the appointing authority for the balance  
159 of the unexpired term. The members shall receive no compensation for  
160 their services. The council shall meet at least six times a year. The  
161 council shall recommend to the Office of Victim Services program,  
162 legislative or other matters which would improve services to victims of  
163 crime and develop and coordinate needs assessments for both court-  
164 based and community-based victim services. The Chief Justice shall  
165 appoint two members to serve as cochairmen. Not later than December  
166 fifteenth of each year, the council shall report the results of its findings  
167 and activities to the Chief Court Administrator;

168 (12) To utilize such voluntary and uncompensated services of

169 private individuals, agencies and organizations as may from time to  
170 time be offered and needed;

171 (13) To recommend policies and make recommendations to agencies  
172 and officers of the state and local subdivisions of government relative  
173 to victims of crime;

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

176 (15) To develop, in coordination with the Department of Social  
177 Services, the Department of Public Health, the Office of Policy and  
178 Management, the Department of Children and Families and the  
179 Division of Criminal Justice, a comprehensive plan to more effectively  
180 administer crime victims' compensation and coordinate the delivery of  
181 services to crime victims, including the funding of such services. Such  
182 plan shall be submitted to the Governor and the General Assembly not  
183 later than January 1, 1994;

184 (16) Within available appropriations to establish a crime victims'  
185 information clearinghouse which shall be a central repository for  
186 information collected pursuant to subdivision (9) of this subsection  
187 and information made available through the criminal justice  
188 information system, to provide a toll-free telephone number for access  
189 to such information and to develop a plan, in consultation with all  
190 agencies required to provide notification to victims, outlining any  
191 needed statutory changes, resources and working agreements  
192 necessary to make the Office of Victim Services the lead agency for  
193 notification of victims, which plan shall be submitted to the General  
194 Assembly not later than February 15, 2000;

195 (17) To provide a training program for judges, prosecutors, police,  
196 probation and parole personnel, bail commissioners, officers from the  
197 Department of Correction and judicial marshals to inform them of  
198 victims' rights and available services; and

199 (18) To submit to the joint standing committee of the General  
200 Assembly having cognizance of matters relating to victim services, in  
201 accordance with the provisions of section 11-4a, on or before January  
202 15, 2000, and biennially thereafter a report of its activities under  
203 sections 54-201 to 54-233, inclusive, as amended by this act, including,  
204 but not limited to, implementation of training activities and mandates.  
205 Such report shall include the types of training provided, entities  
206 providing training and recipients of training.

207 Sec. 3. Subsection (b) of section 54-204 of the general statutes is  
208 repealed and the following is substituted in lieu thereof (*Effective*  
209 *October 1, 2009*):

210 (b) In order to be eligible for compensation or restitution services  
211 under sections 54-201 to 54-233, inclusive, as amended by this act, the  
212 applicant, except for an applicant who has suffered a monetary loss,  
213 shall prior to a determination on any application made pursuant to  
214 sections 54-201 to 54-233, inclusive, as amended by this act, submit  
215 reports if reasonably available from all physicians or surgeons who  
216 have treated or examined the victim in relation to the injury for which  
217 compensation is claimed at the time of or subsequent to the victim's  
218 injury or death. If in the opinion of the Office of Victim Services or, on  
219 review, a victim compensation commissioner, reports on the previous  
220 medical history of the victim, examination of the injured victim and a  
221 report thereon or a report on the cause of death of the victim by an  
222 impartial medical expert would be of material aid to its just  
223 determination, said office or commissioner shall order such reports  
224 and examinations. Any information received which is confidential in  
225 accordance with any provision of the general statutes shall remain  
226 confidential while in the custody of the Office of Victim Services or a  
227 victim compensation commissioner. An applicant for compensation or  
228 restitution services under sections 54-201 to 54-233, inclusive, as  
229 amended by this act, as a result of a monetary loss may submit reports  
230 described in this subsection if such reports would be a material aid to  
231 the just determination of such applicant's claim in the opinion of the

232 Office of Victim Services or, on review, a victim compensation  
233 commissioner.

234 Sec. 4. Subsection (a) of section 54-208 of the general statutes is  
235 repealed and the following is substituted in lieu thereof (*Effective*  
236 *October 1, 2009*):

237 (a) If a person is injured or killed as provided in section 54-209, or if  
238 a person sixty-seven years of age or older has suffered a monetary loss,  
239 the Office of Victim Services or, on review, a victim compensation  
240 commissioner may order the payment of compensation in accordance  
241 with the provisions of sections 54-201 to 54-233, inclusive, as amended  
242 by this act: (1) To or for the benefit of the injured person; (2) in the case  
243 of personal injury of the victim, to any person responsible for the  
244 maintenance of the victim who has suffered pecuniary loss as a result  
245 of such injury; or (3) in the case of death of the victim, to or for the  
246 benefit of any one or more of the dependents of the victim including  
247 any dependent child of a homicide victim who was killed by the other  
248 parent or to any person who has suffered pecuniary loss, including,  
249 but not limited to, funeral expenses, as a result of such death.

250 Sec. 5. (NEW) (*Effective October 1, 2009*) The Office of Victim Services  
251 or, on review, a victim compensation commissioner may order the  
252 payment of compensation in accordance with the provisions of  
253 sections 54-201 to 54-233 of the general statutes, inclusive, as amended  
254 by this act, for a monetary loss suffered by a victim sixty-seven years  
255 of age or older.

256 Sec. 6. Subsection (c) of section 54-211 of the general statutes is  
257 repealed and the following is substituted in lieu thereof (*Effective*  
258 *October 1, 2009*):

259 (c) No compensation shall be awarded for losses sustained for  
260 crimes against property, except as provided in section 5 of this act, or  
261 for noneconomic detriment such as pain and suffering.

262 Sec. 7. Subsection (f) of section 54-211 of the general statutes is  
263 repealed and the following is substituted in lieu thereof (*Effective*  
264 *October 1, 2009*):

265 (f) Compensation shall be awarded pursuant to sections 54-201 to  
266 54-233, inclusive, as amended by this act, for bodily injury or death  
267 resulting from a crime or for a monetary loss suffered by a person  
268 sixty-seven years of age or older which occurs (1) within this state,  
269 regardless of the residency of the applicant; (2) outside this state but  
270 within the territorial boundaries of the United States, provided the  
271 victim, at the time of injury or death, was a resident of this state and  
272 the state in which such crime occurred does not have a program for  
273 compensation of victims for which such victim is eligible; and (3)  
274 outside the territorial boundaries of the United States, provided the  
275 applicant is a victim of international terrorism, as defined in Section  
276 2331 of Title 18 of the United States Code, and was a resident of this  
277 state at the time of injury or death.

278 Sec. 8. Section 54-212 of the general statutes is repealed and the  
279 following is substituted in lieu thereof (*Effective October 1, 2009*):

280 (a) Whenever an order for the payment of compensation for  
281 personal injury, [or] death or monetary loss or for the provision of  
282 restitution services is or has been made under sections 54-201 to 54-  
283 233, inclusive, as amended by this act, the Office of Victim Services  
284 shall, upon payment of the amount of the order or the provision of  
285 such services, be subrogated to the cause of action of the applicant  
286 against the person or persons responsible for such injury, [or] death or  
287 monetary loss. The Attorney General, on behalf of the Office of Victim  
288 Services, shall be entitled to bring an action and, if the Attorney  
289 General declines to do so, the office may hire a private attorney to  
290 bring an action against such person or persons and to recover, whether  
291 by judgment, settlement or compromise settlement before or after  
292 judgment, the amount of damages sustained by the applicant and shall  
293 furnish the applicant with a copy of the action taken [within] not later

294 than thirty days [of] after the filing of such action. If an amount greater  
295 than two-thirds of that paid pursuant to any such order is recovered  
296 and collected in any such action, whether by judgment, settlement or  
297 compromise settlement before or after judgment, the state shall pay the  
298 balance exceeding two-thirds of the amount paid pursuant to such  
299 order to the applicant less any costs and expenses incurred therefor.

300 (b) If the applicant brings an action against the person or persons  
301 responsible for such injury, [or] death or monetary loss to recover  
302 damages arising out of the crime for which an award has been granted,  
303 the Office of Victim Services shall have a lien on the applicant's  
304 recovery for the amount to which the office is entitled to  
305 reimbursement. The applicant shall notify the Office of Victim Services  
306 of the filing of such complaint [within] not later than thirty days [of]  
307 after the filing of the complaint in court. Whenever an applicant  
308 recovers damages, whether by judgment, settlement or compromise  
309 settlement before or after judgment, from the person or persons  
310 responsible for such injury or monetary loss, the Office of Victim  
311 Services is entitled to reimbursement from the applicant for two-thirds  
312 of the amount paid pursuant to any order for the payment of  
313 compensation for personal injury, [or] death or monetary loss or for  
314 the provision of restitution services.

315 (c) Notwithstanding the provisions of subsection (a) of this section,  
316 if the Office of Victim Services finds that enforcement of its  
317 subrogation rights would cause undue harm to the applicant, the office  
318 may abrogate such rights. Notwithstanding the provisions of  
319 subsection (b) of this section, if the Office of Victim Services finds that  
320 enforcement of its lien rights would cause undue harm to the  
321 applicant, the office may abrogate such rights. "Undue harm" includes,  
322 but is not limited to, considerations of victim safety and recovery by  
323 the applicant of an amount that is less than the applicant's  
324 compensable economic losses.

325 Sec. 9. Subsection (b) of section 54-215 of the general statutes is

326 repealed and the following is substituted in lieu thereof (*Effective*  
 327 *October 1, 2009*):

328 (b) The cost paid into court under section 54-143 shall be deposited  
 329 in the General Fund and shall be credited to and become a part of the  
 330 Criminal Injuries Compensation Fund. Any restitution collected by the  
 331 Court Support Services Division pursuant to section 46b-140, 53a-30 or  
 332 54-56e which is not disbursed within five years after the date such  
 333 restitution is collected, because the victim could not be located, shall be  
 334 deposited in the Criminal Injuries Compensation Fund. Any restitution  
 335 collected pursuant to section 46b-140 or 54-56e on or before May 8,  
 336 1997, that has not been disbursed as of October 1, 2003, shall be  
 337 deposited in the fund. If payment is awarded under section 54-210 and  
 338 thereafter the court orders the defendant in the criminal case from  
 339 which such injury, [or] death or monetary loss resulted to make  
 340 restitution, any money collected as restitution shall be paid to the fund  
 341 unless the court directs otherwise. The Office of Victim Services may  
 342 apply for and receive moneys for the fund from any federal, state or  
 343 private source.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	54-201
Sec. 2	<i>October 1, 2009</i>	54-203(b)
Sec. 3	<i>October 1, 2009</i>	54-204(b)
Sec. 4	<i>October 1, 2009</i>	54-208(a)
Sec. 5	<i>October 1, 2009</i>	New section
Sec. 6	<i>October 1, 2009</i>	54-211(c)
Sec. 7	<i>October 1, 2009</i>	54-211(f)
Sec. 8	<i>October 1, 2009</i>	54-212
Sec. 9	<i>October 1, 2009</i>	54-215(b)

**Statement of Purpose:**

To allow elderly persons who have been scammed to recover money.

*[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.]*

Co-Sponsors: REP. GREEN, 1st Dist.; SEN. PRAGUE, 19th Dist.  
REP. SERRA, 33rd Dist.

H.B. 5091