



General Assembly

**Substitute Bill No. 6670**

January Session, 2009

\*          HB06670JUD          040309          \*

**AN ACT CONCERNING THE RIGHTS OF CRIME VICTIMS AND THE DUTIES OF THE OFFICE OF THE VICTIM ADVOCATE.**

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

1       Section 1. Section 1-200 of the general statutes is amended by adding  
2       subdivision (12) as follows (*Effective October 1, 2009*):

3       (NEW) (12) "Invasion of personal privacy" means the public  
4       disclosure of any matter that (A) would be highly offensive to a  
5       reasonable person, and (B) is not of legitimate concern to the public.

6       Sec. 2. Section 1-210 of the general statutes is amended by adding  
7       subsection (f) as follows (*Effective October 1, 2009*):

8       (NEW) (f) Whenever a public agency receives a request from any  
9       person for the disclosure of any records described in subdivision (2) of  
10      subsection (b) of this section under the Freedom of Information Act,  
11      the disclosure of which could constitute an invasion of the personal  
12      privacy of a crime victim, as defined in 1-1k, the public agency shall  
13      withhold such records from such person and shall promptly notify  
14      such crime victim of such request. If such person appeals the denial of  
15      the right to inspect or copy such records to the Freedom of Information  
16      Commission pursuant to section 1-206, the crime victim may intervene  
17      as a party in the proceedings on the matter before the commission.

18 Sec. 3. Subsection (a) of section 54-220 of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2010*):

21 (a) Victim advocates shall have the following responsibilities and  
22 duties: (1) To [provide initial screening of each personal injury case; (2)  
23 to] assist victims in the preparation of victim impact statements to be  
24 placed in court files; [(3)] (2) to notify victims of their rights and  
25 request that each victim so notified attest to the fact of such notification  
26 of rights on a form developed by the Office of the Chief Court  
27 Administrator, which form shall be signed by the victim advocate and  
28 the victim and be placed in court files and a copy of which form shall  
29 be provided to the victim; [(4)] (3) to provide information and advice  
30 to victims in order to assist such victims in exercising their rights  
31 throughout the criminal justice process; [(5)] (4) to direct victims to  
32 public and private agencies for service; [(6)] (5) to coordinate victim  
33 applications to the Office of Victim Services; and [(7)] (6) to assist  
34 victims in the processing of claims for restitution. For the purposes of  
35 this section, "victim" means "victim of crime", as defined in section 1-  
36 1k.

37 Sec. 4. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this  
38 section, "minor" means any person under eighteen years of age.

39 (b) In any criminal proceeding involving an alleged sexual assault of  
40 a minor or in which a minor is expected to testify as a witness, the  
41 court shall take action to expedite the proceeding and the trial of such  
42 case shall have precedence over other cases with respect to the order of  
43 trial, except cases of the same type. Nothing in this subsection shall be  
44 construed to require that the proceeding be expedited if such  
45 expedited proceeding would not be in the best interests of the child.

46 (c) Upon a request by a defendant for a continuance in such  
47 proceeding, the prosecuting authority shall file with the court an  
48 impact statement, on a form prescribed by the Office of the Chief Court  
49 Administrator, that specifies (1) whether the state agrees to the request

50 for a continuance, (2) whether the minor or the minor's representative  
51 agrees to the request for a continuance, and (3) the effect, if any, that  
52 granting the continuance may have on the minor. The court shall  
53 consider and give weight to any possible adverse impact that a delay  
54 of the proceeding may have on the minor. If the court grants such  
55 continuance, it shall state, in open court and on the record, the reasons  
56 for its decision.

57 Sec. 5. Section 18-87j of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective October 1, 2009*):

59 There is established a Criminal Justice Policy Advisory Commission  
60 which shall be within the Office of Policy and Management for  
61 administrative purposes only. The commission shall consist of the  
62 undersecretary of the Criminal Justice Policy and Planning Division  
63 within the Office of Policy and Management, the Chief Court  
64 Administrator, the Commissioner of Correction, the Commissioner of  
65 Public Safety, the Chief State's Attorney, the Chief Public Defender, the  
66 Commissioner of Mental Health and Addiction Services, [and] the  
67 chairperson of the Board of Pardons and Paroles and the Victim  
68 Advocate, or their designees, the executive director of the Court  
69 Support Services Division or other designee of the Chief Court  
70 Administrator and the following members, each of whom shall be  
71 appointed by the Governor: Three government officials, a police chief,  
72 two persons representing offender and victim services within the  
73 private community and two public members. In addition, the Labor  
74 Commissioner and the Commissioner of Social Services, or their  
75 designees, shall be members of the commission with authority to  
76 deliberate and vote on matters concerning employment and  
77 entitlement programs available to adult and juvenile offenders who  
78 are reentering the community, and the Commissioner of Children and  
79 Families and the Commissioner of Education, or their designees, shall  
80 be members of the commission with authority to participate and vote  
81 on matters concerning juvenile justice. The undersecretary of the  
82 Criminal Justice Policy and Planning Division shall serve as  
83 chairperson of the commission. The commission shall meet at such

84 times as it deems necessary.

85 Sec. 6. Section 53a-46d of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2009*):

87 A victim impact statement prepared with the assistance of a victim  
88 advocate to be placed in court files in accordance with subdivision [(2)]  
89 (1) of subsection (a) of section 54-220, as amended by this act, may be  
90 read in court prior to imposition of sentence upon a defendant found  
91 guilty of a crime punishable by death.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2009</i> | 1-200       |
| Sec. 2  | <i>October 1, 2009</i> | 1-210       |
| Sec. 3  | <i>October 1, 2010</i> | 54-220(a)   |
| Sec. 4  | <i>October 1, 2009</i> | New section |
| Sec. 5  | <i>October 1, 2009</i> | 18-87j      |
| Sec. 6  | <i>October 1, 2009</i> | 53a-46d     |

**Statement of Legislative Commissioners:**

In section 4(c), language was added to clarify that the impact statement is prepared when the request for a continuance is made by a defendant, and section 6 was added to make a conforming change.

**JUD**      *Joint Favorable Subst.*