



House of Representatives

General Assembly

File No. 483

February Session, 2010

Substitute House Bill No. 5497

House of Representatives, April 13, 2010

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE RECOMMENDATIONS OF THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE
ON DOMESTIC VIOLENCE.***

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

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (b) The application form shall allow the applicant, at the applicant's
5 option, to indicate whether the respondent holds a permit to carry a
6 pistol or revolver or possesses one or more firearms. The application
7 shall be accompanied by an affidavit made under oath which includes
8 a brief statement of the conditions from which relief is sought. Upon
9 receipt of the application the court shall order that a hearing on the
10 application be held not later than fourteen days from the date of the
11 order. The court, in its discretion, may make such orders as it deems
12 appropriate for the protection of the applicant and such dependent
13 children or other persons as the court sees fit. In making such orders,

14 the court, in its discretion, may consider relevant court records if the
15 records are available to the public from a clerk of the Superior Court or
16 on the Judicial Branch's Internet web site. Such [order] orders may
17 include temporary child custody or visitation rights, and such relief
18 may include, but is not limited to, an order enjoining the respondent
19 from (1) imposing any restraint upon the person or liberty of the
20 applicant; (2) threatening, harassing, assaulting, molesting, sexually
21 assaulting or attacking the applicant; or (3) entering the family
22 dwelling or the dwelling of the applicant. The court, in its discretion,
23 may make such orders as it deems appropriate for the protection of
24 any animal owned or kept by the applicant including, but not limited
25 to, an order enjoining the respondent from injuring or threatening to
26 injure such animal. If an applicant alleges an immediate and present
27 physical danger to the applicant, the court may issue an ex parte order
28 granting such relief as it deems appropriate. If a postponement of a
29 hearing on the application is requested by either party and granted,
30 the order shall not be continued except upon agreement of the parties
31 or by order of the court for good cause shown.

32 Sec. 2. Subsection (e) of section 46b-15 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2010*):

35 (e) The applicant shall cause notice of the hearing pursuant to
36 subsection (b) of this section and a copy of the application and the
37 applicant's affidavit and of any ex parte order issued pursuant to
38 subsection (b) of this section to be served on the respondent not less
39 than five days before the hearing. The cost of such service shall be paid
40 for by the Judicial Branch. Upon the granting of an ex parte order, the
41 clerk of the court shall provide two [certified] copies of the order to the
42 applicant. Upon the granting of an order after notice and hearing, the
43 clerk of the court shall provide two [certified] copies of the order to the
44 applicant and a copy to the respondent. Every order of the court made
45 in accordance with this section after notice and hearing shall [contain
46 the following language: "This court had jurisdiction over the parties
47 and the subject matter when it issued this protection order.

48 Respondent was afforded both notice and opportunity to be heard in
49 the hearing that gave rise to this order. Pursuant to the Violence
50 Against Women Act of 1994, 18 USC 2265, this order is valid and
51 enforceable in all fifty states, any territory or possession of the United
52 States, the District of Columbia, the Commonwealth of Puerto Rico
53 and tribal lands."] be accompanied by a notification that is consistent
54 with the full faith and credit provisions set forth in 18 USC 2265(a), as
55 amended from time to time. Immediately after making service on the
56 respondent, the proper officer shall send or cause to be sent, by
57 facsimile or other means, a copy of the application, or the information
58 contained in such application, stating the date and time the respondent
59 was served, to the law enforcement agency or agencies for the town in
60 which the applicant resides, the town in which the applicant is
61 employed and the town in which the respondent resides. The clerk of
62 the court shall send, by facsimile or other means, a copy of any ex
63 parte order and of any order after notice and hearing, or the
64 information contained in any such order, to the law enforcement
65 agency or agencies for the town in which the applicant resides, the
66 town in which the applicant is employed and the town in which the
67 respondent resides, within forty-eight hours of the issuance of such
68 order.

69 Sec. 3. Section 46b-38c of the 2010 supplement to the general
70 statutes, as amended by section 65 of public act 09-7 of the September
71 special session, is repealed and the following is substituted in lieu
72 thereof (*Effective October 1, 2010*):

73 (a) There shall be family violence response and intervention units in
74 the Connecticut judicial system to respond to cases involving family
75 violence. The units shall be coordinated and governed by formal
76 agreement between the Chief State's Attorney and the Judicial
77 Department.

78 (b) The Court Support Services Division, in accordance with the
79 agreement between the Chief State's Attorney and the Judicial
80 Department, shall establish within each geographical area of the

81 Superior Court a local family violence intervention unit to implement
82 sections 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f,
83 inclusive, and 54-1g. The Court Support Services Division shall oversee
84 direct operations of the local units.

85 (c) Each such local family violence intervention unit shall: (1) Accept
86 referrals of family violence cases from a judge or prosecutor, (2)
87 prepare written or oral reports on each case for the court by the next
88 court date to be presented at any time during the court session on that
89 date, (3) provide or arrange for services to victims and offenders, (4)
90 administer contracts to carry out such services, and (5) establish
91 centralized reporting procedures. All information provided to a family
92 relations [officer] counselor, family relations counselor trainee or
93 family services supervisor employed by the Judicial Branch in a local
94 family violence intervention unit shall be used solely for the purposes
95 of preparation of the report and the protective order forms for each
96 case and recommendation of services and shall otherwise be
97 confidential and retained in the files of such unit and not be subject to
98 subpoena or other court process for use in any other proceeding or for
99 any other purpose, except that [if] a family relations counselor, family
100 relations counselor trainee or family services supervisor employed by
101 the Judicial Branch:

102 (A) Shall disclose to the court and the prosecuting authority for
103 appropriate action information that the victim has indicated that the
104 defendant holds a permit to carry a pistol or revolver or possesses one
105 or more firearms; [the family relations officer shall disclose such
106 information to the court and the prosecuting authority for appropriate
107 action]

108 (B) May disclose to an employee of the Department of Children and
109 Families information that indicates that a defendant poses a danger or
110 threat to a child or a parent of the child;

111 (C) May disclose to another family relations counselor, family
112 relations counselor trainee or family services supervisor information
113 pursuant to guidelines adopted by the Chief Court Administrator;

114 (D) May disclose to a bail commissioner employed by the Judicial
115 Branch information regarding a defendant who is on or is being
116 considered for pretrial release;

117 (E) May disclose to a law enforcement agency information that
118 indicates that a defendant poses a danger or threat to another person;

119 (F) May disclose, after disposition of a family violence case, (i) to a
120 probation officer or a juvenile probation officer, for purposes of
121 determining service needs and supervision levels, information
122 regarding a defendant who has been convicted and sentenced to a
123 period of probation in the family violence case, and (ii) to
124 organizations under contract with the Judicial Branch to provide
125 family violence programs and services, for purposes of determining
126 program and service needs, information regarding defendants who are
127 their clients.

128 (d) In all cases of family violence, a written or oral report and
129 recommendation of the local family violence intervention unit shall be
130 available to a judge at the first court date appearance to be presented at
131 any time during the court session on that date. A judge of the Superior
132 Court may consider and impose the following conditions to protect the
133 parties, including, but not limited to: (1) Issuance of a protective order
134 pursuant to subsection (e) of this section; (2) prohibition against
135 subjecting the victim to further violence; (3) referral to a family
136 violence education program for batterers; and (4) immediate referral
137 for more extensive case assessment. Such protective order shall be an
138 order of the court, and the clerk of the court shall cause (A) a [certified]
139 copy of such order to be sent to the victim, and (B) a copy of such
140 order, or the information contained in such order, to be sent by
141 facsimile or other means within forty-eight hours of its issuance to the
142 law enforcement agency for the town in which the victim resides and,
143 if the defendant resides in a town different from the town in which the
144 victim resides, to the law enforcement agency for the town in which
145 the defendant resides. If the victim is employed in a town different
146 from the town in which the victim resides, the clerk of the court shall,

147 upon the request of the victim, send, by facsimile or other means, a
148 copy of such order, or the information contained in such order, to the
149 law enforcement agency for the town in which the victim is employed
150 within forty-eight hours of the issuance of such order.

151 (e) A protective order issued under this section may include
152 provisions necessary to protect the victim from threats, harassment,
153 injury or intimidation by the defendant, including, but not limited to,
154 an order enjoining the defendant from (1) imposing any restraint upon
155 the person or liberty of the victim, (2) threatening, harassing,
156 assaulting, molesting or sexually assaulting the victim, or (3) entering
157 the family dwelling or the dwelling of the victim. A protective order
158 issued under this section may include provisions necessary to protect
159 any animal owned or kept by the victim including, but not limited to,
160 an order enjoining the defendant from injuring or threatening to injure
161 such animal. Such order shall be made a condition of the bail or release
162 of the defendant and shall contain the following language: "In
163 accordance with section 53a-223 of the Connecticut general statutes,
164 any violation of this order constitutes criminal violation of a protective
165 order which is punishable by a term of imprisonment of not more than
166 five years, a fine of not more than five thousand dollars, or both.
167 Additionally, in accordance with section 53a-107 of the Connecticut
168 general statutes, entering or remaining in a building or any other
169 premises in violation of this order constitutes criminal trespass in the
170 first degree which is punishable by a term of imprisonment of not
171 more than one year, a fine of not more than two thousand dollars, or
172 both. Violation of this order also violates a condition of your bail or
173 release, and may result in raising the amount of bail or revoking
174 release." Every order of the court made in accordance with this section
175 after notice and hearing shall also contain the following language:
176 ["This court had jurisdiction over the parties and the subject matter
177 when it issued this protection order. Respondent was afforded both
178 notice and opportunity to be heard in the hearing that gave rise to this
179 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
180 2265, this order is valid and enforceable in all fifty states, any territory
181 or possession of the United States, the District of Columbia, the

182 Commonwealth of Puerto Rico and tribal lands."] "This order is
183 accorded full faith and credit pursuant to 18 USC Section 2265, as
184 amended from time to time." The information contained in and
185 concerning the issuance of any protective order issued under this
186 section shall be entered in the registry of protective orders pursuant to
187 section 51-5c, as amended by this act.

188 (f) The Judicial Branch shall establish a pilot program in three
189 judicial districts for the purpose of using electronic monitoring in
190 accordance with this subsection. Such pilot program shall be
191 conducted in at least one judicial district that contains an urban area,
192 as defined in section 4b-13, and at least one judicial district that does
193 not contain such an urban area. Pursuant to such pilot program, the
194 court may order that any person appearing in such judicial district
195 who is charged with the violation of a restraining order or a protective
196 order, and who has been determined to be a high-risk offender by the
197 family violence intervention unit, be subject to electronic monitoring
198 designed to warn law enforcement agencies, a state-wide information
199 collection center and the victim when the person is within a specified
200 distance of the victim, if the court finds that such electronic monitoring
201 is necessary to protect the victim, provided the cost of such electronic
202 monitoring is paid by the person who is subject to such electronic
203 monitoring, subject to guidelines established by the Chief Court
204 Administrator. If the court orders that such person be subject to
205 electronic monitoring, the clerk of the court shall send, by facsimile or
206 other means, a copy of the order, or the information contained in any
207 such order, to the law enforcement agency or agencies for the town in
208 which the person resides.

209 ~~[(f)]~~ (g) In cases referred to the local family violence intervention
210 unit, it shall be the function of the unit to (1) identify victim service
211 needs and, by contract with victim service providers, make available
212 appropriate services, and (2) identify appropriate offender services
213 and where possible, by contract, provide treatment programs for
214 offenders.

215 [(g)] (h) There shall be a pretrial family violence education program
216 for persons who are charged with family violence crimes. At a
217 minimum, such program shall inform participants of the basic
218 elements of family violence law and applicable penalties. The court
219 may, in its discretion, invoke such program on motion of the
220 defendant when it finds: (1) That the defendant has not previously
221 been convicted of a family violence crime which occurred on or after
222 October 1, 1986; (2) the defendant has not had a previous case assigned
223 to the family violence education program; (3) the defendant has not
224 previously invoked or accepted accelerated rehabilitation under
225 section 54-56e for a family violence crime which occurred on or after
226 October 1, 1986; and (4) that the defendant is not charged with a class
227 A, class B or class C felony, or an unclassified felony carrying a term of
228 imprisonment of more than ten years, or unless good cause is shown, a
229 class D felony or an unclassified offense carrying a term of
230 imprisonment of more than five years. Participation by any person in
231 the accelerated pretrial rehabilitation program under section 54-56e
232 prior to October 1, 1986, shall not prohibit eligibility of such person for
233 the pretrial family violence education program under this section. The
234 court may require that the defendant answer such questions under
235 oath, in open court or before any person designated by the clerk and
236 duly authorized to administer oaths, under the penalties of perjury as
237 will assist the court in making these findings. The court, on such
238 motion, may refer the defendant to the family violence intervention
239 unit, and may continue the defendant's case pending the submission of
240 the report of the unit to the court. The court shall also give notice to the
241 victim or victims that the defendant has requested assignment to the
242 family violence education program, and, where possible, give the
243 victim or victims opportunity to be heard. Any defendant who accepts
244 placement in the family violence education program shall agree to the
245 tolling of any statute of limitations with respect to the crime or crimes
246 with which the defendant is charged, and to a waiver of the
247 defendant's right to a speedy trial. Any such defendant shall appear in
248 court and shall be released to the custody of the family violence
249 intervention unit for such period, not exceeding two years, and under

250 such conditions as the court shall order. If the defendant refuses to
251 accept, or, having accepted, violates such conditions, the defendant's
252 case shall be brought to trial. If the defendant satisfactorily completes
253 the family violence education program and complies with the
254 conditions imposed for the period set by the court, the defendant may
255 apply for dismissal of the charges against the defendant and the court,
256 on finding satisfactory compliance, shall dismiss such charges. Upon
257 dismissal all records of such charges shall be erased pursuant to
258 section 54-142a.

259 [(h)] (i) A fee of two hundred dollars shall be paid to the court by
260 any person who enters the family violence education program, except
261 that no person shall be excluded from such program for inability to
262 pay the fee, provided (1) the person files with the court an affidavit of
263 indigency or inability to pay, and (2) the court enters a finding thereof.
264 All such fees shall be credited to the General Fund.

265 [(i)] (j) The Judicial Department shall establish an ongoing training
266 program for judges, Court Support Services Division personnel and
267 clerks to inform them about the policies and procedures of sections
268 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f, inclusive, and
269 54-1g, including, but not limited to, the function of the family violence
270 intervention units and the use of restraining and protective orders.

271 Sec. 4. Section 51-5c of the general statutes is repealed and the
272 following is substituted in lieu thereof (*Effective October 1, 2010*):

273 (a) The Chief Court Administrator shall establish and maintain an
274 automated registry of protective orders that shall contain (1) protective
275 or restraining orders issued by courts of this state, including, but not
276 limited to, orders issued pursuant to sections 46b-15, as amended by
277 this act, 46b-38c, as amended by this act, 53a-40e, as amended by this
278 act, 54-1k, as amended by this act, 54-82q and 54-82r, and (2) foreign
279 orders of protection that have been registered in this state pursuant to
280 section 46b-15a. The registry shall clearly indicate the date of
281 commencement, the termination date, if specified, and the duration of
282 any order contained therein. The Chief Court Administrator shall

283 adopt policies and procedures for the operation of the registry, which
284 shall include policies and procedures governing the disclosure of
285 information in the registry to the judges of the Superior Court and
286 employees of the Judicial Department.

287 (b) (1) The following information contained in the registry of
288 protective orders shall not be subject to disclosure and may be
289 accessed only in accordance with this section, unless otherwise
290 ordered by the court: (A) Any information that would identify a
291 person protected by an order contained in the registry; (B) any
292 information that is confidential pursuant to state or federal law,
293 including, but not limited to, any information that is confidential
294 pursuant to a court order; and (C) any information entered in the
295 registry pursuant to an ex parte order prior to a hearing by a court
296 having jurisdiction over the parties and the subject matter.

297 (2) Any judge of the Superior Court or any employee of the Judicial
298 Department who is authorized by policies and procedures adopted by
299 the Chief Court Administrator pursuant to subsection (a) of this
300 section shall have access to such information. The Chief Court
301 Administrator may grant access to such information to personnel of
302 the Department of Public Safety, the Department of Correction, the
303 Board of Pardons and Paroles, the Psychiatric Security Review Board,
304 the Division of Criminal Justice, any municipal or tribal police
305 department within this state or any other agency, organization or
306 person determined by the Chief Court Administrator, pursuant to
307 policies and procedures adopted by the Chief Court Administrator, to
308 have a legitimate interest in the information contained in the registry.
309 Any person who obtains such information pursuant to this subdivision
310 may use and disclose the information only in the performance of such
311 person's duties.

312 (3) Except as provided in subsection (c) of this section, the
313 information contained in the registry shall be provided to and may be
314 accessed through the Connecticut on-line law enforcement
315 communications teleprocessing system maintained by the Department

316 of Public Safety. Nothing in this section shall be construed to permit
317 public access to the Connecticut on-line law enforcement
318 communications teleprocessing system.

319 (c) Any person protected by an order contained in the registry of
320 protective orders may make a request in writing, on a form prescribed
321 by the Chief Court Administrator, that the registry not disclose such
322 protected person's name and address except to the law enforcement
323 agency for the town in which (1) such protected person resides, (2)
324 such protected person is employed, or (3) the person subject to the
325 order resides.

326 (d) Any person who has reason to believe that information
327 concerning such person which is contained in the registry of protective
328 orders is not consistent with a valid court order may submit a written
329 request for verification of such information to the clerk of the superior
330 court for the judicial district in which such order was issued. If the
331 clerk finds that such information contained in the registry is not
332 consistent with such order, the clerk shall promptly cause such
333 information to be removed from the registry.

334 (e) The orders and other information required or permitted to be
335 contained in the registry of protective orders may be entered in the
336 registry in any written or electronic form approved by the Chief Court
337 Administrator. For the purposes of this section, an order is contained
338 in the registry if the information contained in such order and
339 information concerning the issuance of such order is entered in the
340 registry in a manner approved by the Chief Court Administrator
341 pursuant to this subsection.

342 Sec. 5. Section 53a-40e of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective October 1, 2010*):

344 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-
345 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71,
346 53a-72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183, 53a-
347 223, 53a-223a, as amended by this act, or 53a-223b or attempt or

348 conspiracy to violate any of said sections or section 53a-54a, against a
349 family or household member, as defined in section 46b-38a, or (2) any
350 crime that the court determines constitutes a family violence crime, as
351 defined in section 46b-38a, or attempt or conspiracy to commit any
352 such crime, the court may, in addition to imposing the sentence
353 authorized for the crime under section 53a-35a or 53a-36, if the court is
354 of the opinion that the history and character and the nature and
355 circumstances of the criminal conduct of such offender indicate that a
356 standing criminal [restraining] protective order will best serve the
357 interest of the victim and the public, issue a standing criminal
358 [restraining] protective order which shall remain in effect for a
359 duration specified by the court until modified or revoked by the court
360 for good cause shown. If any person is convicted of any crime against a
361 family or household member, as defined in section 46b-38a, other than
362 a crime specified in subdivision (1) or (2) of this subsection, the court
363 may, for good cause shown, issue a standing criminal [restraining]
364 protective order pursuant to this subsection.

365 (b) Such standing criminal [restraining] protective order may
366 include, but [is] need not be limited to, provisions enjoining the
367 offender from (1) imposing any restraint upon the person or liberty of
368 the victim; (2) threatening, harassing, assaulting, molesting, sexually
369 assaulting or attacking the victim; or (3) entering the family dwelling
370 or the dwelling of the victim.

371 [(c) Every standing criminal restraining order of the court made in
372 accordance with this section shall contain the following language:
373 "This order shall remain in effect until modified or revoked by the
374 court for good cause shown. In accordance with section 53a-223a,
375 violation of a standing criminal restraining order issued by the court
376 pursuant to subsection (a) of this section shall be punishable by a term
377 of imprisonment of not less than one year nor more than five years, a
378 fine of not more than five thousand dollars or both."]

379 (c) Such standing criminal protective order shall include the
380 following notice: "In accordance with section 53a-223a of the

381 Connecticut general statutes, violation of this order shall be punishable
382 by a term of imprisonment of not less than one year nor more than five
383 years, a fine of not more than five thousand dollars, or both."

384 Sec. 6. Section 53a-223a of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective October 1, 2010*):

386 (a) A person is guilty of criminal violation of a standing criminal
387 [restraining] protective order when an order issued pursuant to
388 subsection (a) of section 53a-40e, as amended by this act, has been
389 issued against such person, and such person violates such order.

390 (b) Criminal violation of a standing criminal [restraining] protective
391 order is a class D felony.

392 Sec. 7. Section 54-1k of the general statutes is repealed and the
393 following is substituted in lieu thereof (*Effective October 1, 2010*):

394 (a) Upon the arrest of a person for a violation of subdivision (1) or
395 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
396 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
397 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
398 pursuant to this section. Upon the arrest of a person for a violation of
399 section 53a-182b or 53a-183, the court may issue a protective order
400 pursuant to this section if it finds that such violation caused the victim
401 to reasonably fear for his or her physical safety. Such order shall be an
402 order of the court, and the clerk of the court shall cause (1) a [certified]
403 copy of such order or the information contained in such order to be
404 sent to the victim, and (2) a copy of such order, or the information
405 contained in such order, to be sent by facsimile or other means within
406 forty-eight hours of its issuance to the [appropriate law enforcement
407 agency] law enforcement agency or agencies for the town in which the
408 victim resides, the town in which the victim is employed and the town
409 in which the defendant resides.

410 (b) A protective order issued under this section may include
411 provisions necessary to protect the victim from threats, harassment,

412 injury or intimidation by the defendant, including but not limited to,
413 an order enjoining the defendant from (1) imposing any restraint upon
414 the person or liberty of the victim, (2) threatening, harassing,
415 assaulting, molesting or sexually assaulting the victim, or (3) entering
416 the dwelling of the victim. A protective order issued under this section
417 may include provisions necessary to protect any animal owned or kept
418 by the victim including, but not limited to, an order enjoining the
419 defendant from injuring or threatening to injure such animal. Such
420 order shall be made a condition of the bail or release of the defendant
421 and shall contain the following language: "In accordance with section
422 53a-223 of the Connecticut general statutes, any violation of this order
423 constitutes criminal violation of a protective order which is punishable
424 by a term of imprisonment of not more than five years, a fine of not
425 more than five thousand dollars, or both. Additionally, in accordance
426 with section 53a-107 of the Connecticut general statutes, entering or
427 remaining in a building or any other premises in violation of this order
428 constitutes criminal trespass in the first degree which is punishable by
429 a term of imprisonment of not more than one year, a fine of not more
430 than two thousand dollars, or both. Violation of this order also violates
431 a condition of your bail or release and may result in raising the amount
432 of bail or revoking release." A protective order issued under this
433 section may be continued by the court for any period of time deemed
434 necessary by the court for the protection of the victim or such animal.

435 (c) The information contained in and concerning the issuance of any
436 protective order issued under this section shall be entered in the
437 registry of protective orders pursuant to section 51-5c, as amended by
438 this act.

439 Sec. 8. Section 53a-28 of the general statutes is amended by adding
440 subsection (f) as follows (*Effective October 1, 2010*):

441 (NEW) (f) When sentencing a person to a period of probation who is
442 or has been subject to a protective order issued under section 54-1k, as
443 amended by this act, the court may, for good cause shown, issue a
444 protective order that is effective during such period of probation.

445 Sec. 9. Subsection (c) of section 17b-90 of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective*
447 *October 1, 2010*):

448 (c) In IV-D support cases, as defined in subdivision (13) of
449 subsection (b) of section 46b-231, in addition to the prohibitions of
450 subsection (b) of this section, no information shall be released
451 concerning the whereabouts of one party to another party (1) against
452 whom a protective order, a restraining order or a standing criminal
453 [restraining] protective order with respect to the former party is in
454 effect, or (2) if the department has reason to believe that the release of
455 the information may result in physical or emotional harm to the former
456 party.

457 Sec. 10. Section 18-81m of the general statutes is repealed and the
458 following is substituted in lieu thereof (*Effective October 1, 2010*):

459 When any person against whom a standing criminal [restraining]
460 protective order has been issued pursuant to subsection (a) of section
461 53a-40e, as amended by this act, is released from confinement in a
462 correctional institution, the Commissioner of Correction shall notify
463 such person of the existence of the standing criminal [restraining]
464 protective order against him, the terms of the order and the penalty for
465 violation of the order and the commissioner shall provide such person
466 with a copy of the order. If such person is released on parole or
467 probation, the parole or probation officer shall, at the end of such term
468 of parole or probation, remind such person of the existence of the
469 standing criminal [restraining] protective order against him, the terms
470 of the order and the penalty for violation of the order and the parole or
471 probation officer shall provide such person with a copy of the order.

472 Sec. 11. Section 46b-15c of the general statutes is repealed and the
473 following is substituted in lieu thereof (*Effective October 1, 2010*):

474 (a) In any court proceeding in a family relations matter, as defined
475 in section 46b-1, the court may, within available resources, upon
476 motion of the attorney for any party, order that the testimony of a

477 party or a child who is a subject of the proceeding be taken outside the
478 physical presence of any other party if a protective order, restraining
479 order or standing criminal [restraining] protective order has been
480 issued on behalf of the party or child, and the other party is subject to
481 the protective order, [or] restraining order or standing criminal
482 protective order. Such order may provide for the use of alternative
483 means to obtain the testimony of any party or child, including, but not
484 limited to, the use of a secure video connection for the purpose of
485 conducting hearings by videoconference. Such testimony may be taken
486 in a room other than the courtroom or at another location outside the
487 courthouse or outside the state. The court shall provide for the
488 administration of an oath to such party or child prior to the taking of
489 such testimony in accordance with the rules of the Superior Court.

490 (b) Nothing in this section shall be construed to limit any party's
491 right to cross-examine a witness whose testimony is taken in a room
492 other than the courtroom pursuant to an order under this section.

493 (c) An order under this section may remain in effect during the
494 pendency of the proceedings in the family relations matter.

495 Sec. 12. Section 53a-40d of the general statutes is repealed and the
496 following is substituted in lieu thereof (*Effective October 1, 2010*):

497 (a) A persistent offender of crimes involving assault, stalking,
498 trespass, threatening, harassment, criminal violation of a protective
499 order or criminal violation of a restraining order is a person who (1)
500 stands convicted of assault under section 53a-61, stalking under section
501 53a-181d, threatening under section 53a-62, harassment under section
502 53a-183, criminal violation of a protective order under section 53a-223,
503 criminal violation of a restraining order under section 53a-223b or
504 criminal trespass under section 53a-107 or 53a-108, and (2) has, [within
505 the five years preceding the commission of the present crime,] (A) been
506 convicted of a capital felony, a class A felony, a class B felony, except a
507 conviction under section 53a-86 or 53a-122, a class C felony, except a
508 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
509 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,

510 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section
511 53a-61, stalking under section 53a-181d, threatening under section 53a-
512 62, harassment under section 53a-183, criminal violation of a protective
513 order under section 53a-223, criminal violation of a restraining order
514 under section 53a-223b, or criminal trespass under section 53a-107 or
515 53a-108, (B) been convicted in any other state of any crime the essential
516 elements of which are substantially the same as any of the crimes
517 enumerated in subparagraph (A) of this subdivision, or [has] (C) been
518 released from incarceration with respect to such conviction. [,
519 whichever is later.]

520 (b) When any person has been found to be a persistent offender of
521 crimes involving assault, stalking, trespass, threatening, harassment,
522 criminal violation of a protective order or criminal violation of a
523 restraining order, the court shall, in lieu of imposing the sentence
524 authorized for the crime under section 53a-36 or section 53a-35a, as
525 applicable, impose the sentence of imprisonment authorized by said
526 section 53a-36 or section 53a-35a for the next more serious degree of
527 misdemeanor or felony, except that if the crime is a class A
528 misdemeanor the court shall impose the sentence of imprisonment for
529 a class D felony, as authorized by section 53a-35a.

530 Sec. 13. (NEW) (*Effective October 1, 2010*) (a) The Chief Court
531 Administrator may establish, within available appropriations, in each
532 geographic area a docket separate from other matters for the hearing of
533 family violence matters. In establishing such dockets, the Chief Court
534 Administrator shall examine the effectiveness of dockets for family
535 violence matters in existence prior to October 1, 2010, and incorporate,
536 within available appropriations, operational elements of such dockets
537 that the Chief Court Administrator deems beneficial to victims of
538 family violence.

539 (b) The Chief Court Administrator may designate, within available
540 appropriations, one or more clerks or assistant clerks, or temporary or
541 part-time assistant clerks, and other Judicial Branch staff, in each
542 geographic area to assist parties in family violence cases who require

543 assistance with respect to such family violence cases, including, but not
544 limited to, assistance with completing forms required for such family
545 violence cases. Such assistance may be limited to specified hours of
546 operation designated by the Chief Court Administrator.

547 Sec. 14. Section 54-85b of the general statutes is repealed and the
548 following is substituted in lieu thereof (*Effective October 1, 2010*):

549 (a) An employer shall not deprive an employee of employment,
550 penalize or threaten or otherwise coerce an employee with respect
551 [thereto] to employment, because (1) the employee obeys a legal
552 subpoena to appear before any court of this state as a witness in any
553 criminal proceeding, (2) the employee attends a court proceeding or
554 participates in a police investigation related to a criminal case in which
555 the employee is a crime victim, or attends or participates in a court
556 proceeding related to a civil case in which the employee is a victim of
557 family violence, as defined in section 46b-38a, (3) a restraining order
558 has been issued on the employee's behalf pursuant to section 46b-15, as
559 amended by this act, [or] (4) a protective order has been issued on the
560 employee's behalf by a court of this state or by a court of another state,
561 provided if issued by a court of another state, the protective order shall
562 be registered in this state pursuant to section 46b-15a, or (5) the
563 employee is a victim of family violence, as defined in section 46b-38a.
564 For the purposes of this section, "crime victim" means an employee
565 who suffers direct or threatened physical, emotional or financial harm
566 as a result of a crime or an employee who is an immediate family
567 member or guardian of (A) a person who suffers such harm and is a
568 minor, physically disabled, as defined in section 46a-51, or
569 incompetent, or (B) a homicide victim.

570 (b) Any employer who violates subdivision (1) of subsection (a) of
571 this section shall be guilty of criminal contempt and shall be fined not
572 more than five hundred dollars or imprisoned not more than thirty
573 days, or both.

574 (c) If an employer discharges, penalizes or threatens or otherwise
575 coerces an employee in violation of subsection (a) of this section, the

576 employee, not later than [ninety] one hundred eighty days from the
577 occurrence of such action, may bring a civil action for damages and for
578 an order requiring the employee's reinstatement or otherwise
579 rescinding such action. If the employee prevails, the employee shall be
580 allowed a reasonable attorney's fee to be fixed by the court.

581 Sec. 15. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this
582 section:

583 (1) "Employer" means a person engaged in business who has one or
584 more employees, including the state and any political subdivision of
585 the state;

586 (2) "Employee" means any person engaged in service to an employer
587 in the business of the employer;

588 (3) "Family violence" means family violence, as defined in section
589 46b-38a of the general statutes; and

590 (4) "Leave" includes paid or unpaid leave which may include, but is
591 not limited to, flextime, compensatory time, vacation time, personal
592 days off or other time off.

593 (b) If an employee is a victim of family violence, an employer shall
594 permit the employee to take paid or unpaid leave during any calendar
595 year in which such leave is reasonably necessary (1) to seek medical
596 care or psychological or other counseling for physical or psychological
597 injury or disability for the victim, (2) to obtain services from a victim
598 services organization on behalf of the victim, (3) to relocate due to such
599 family violence, or (4) to participate in any civil or criminal proceeding
600 related to or resulting from such family violence.

601 (c) If an employee's need to use leave under this section is
602 foreseeable, an employer may require advance notice, not to exceed
603 seven days prior to the date such leave is to begin, of the intention to
604 use such leave. If an employee's need for such leave is not foreseeable,
605 an employer may require an employee to give notice of such intention
606 as soon as practicable.

607 (d) Upon an employer's request, an employee who takes leave
608 pursuant to this section shall provide the employer a signed written
609 statement certifying that the leave is for a purpose authorized under
610 this section. The employer may also, but need not, request that the
611 employee provide a police or court record related to the family
612 violence or a signed written statement that the employee is a victim of
613 family violence, provided such statement is from an employee or agent
614 of a victim services organization, an attorney, an employee of the
615 Judicial Branch's Office of Victim Services or the Office of the Victim
616 Advocate, or a medical or other professional from whom the employee
617 has sought assistance with respect to the family violence.

618 (e) Nothing in this section shall be construed to (1) prevent
619 employers from providing more leave than is required under this
620 section, (2) diminish any rights provided to any employee under the
621 terms of the employee's employment or a collective bargaining
622 agreement, or (3) preempt or override the terms of any collective
623 bargaining agreement effective prior to October 1, 2010.

624 (f) Nothing in this section shall be construed to require an employer
625 to provide paid leave under this section if (1) the employee is not
626 entitled to paid leave pursuant to the terms and conditions of the
627 employee's employment, or (2) such paid leave exceeds the maximum
628 amount of leave due the employee during any calendar year, provided
629 the employee shall be entitled to unpaid leave under this section if
630 paid leave is exhausted or not provided.

631 (g) Any written statement or police or court record provided to an
632 employer pursuant to subsection (d) of this section shall be maintained
633 as confidential by the employer and shall not be further disclosed by
634 the employer except as required by federal or state law or as necessary
635 to protect the employee's safety in the workplace, provided the
636 employee is given notice prior to the disclosure.

637 (h) If an employer discharges, penalizes or threatens or otherwise
638 coerces an employee in violation of this section, the employee, not later
639 than one hundred eighty days from the occurrence of such action, may

640 bring a civil action for damages and for an order requiring the
641 employee's reinstatement or otherwise rescinding such action. If the
642 employee prevails, the employee shall be allowed a reasonable
643 attorney's fee to be fixed by the court.

644 Sec. 16. Section 17a-28 of the 2010 supplement to the general statutes
645 is repealed and the following is substituted in lieu thereof (*Effective*
646 *October 1, 2010*):

647 (a) As used in this section:

648 (1) "Person" means (A) any individual named in a record,
649 maintained by the department, who (i) is presently or at any prior time
650 was a ward of or committed to the commissioner for any reason; (ii)
651 otherwise received services, voluntarily or involuntarily, from the
652 department; or (iii) is presently or was at any prior time the subject of
653 an investigation by the department; (B) the parent of a person, as
654 defined in subparagraph (A) of this subdivision, if such person is a
655 minor; or (C) the authorized representative of a person, as defined in
656 subparagraph (A) of this subdivision, if such person is deceased;

657 (2) "Attorney" means the licensed attorney authorized to assert the
658 confidentiality of or right of access to records of a person;

659 (3) "Authorized representative" means a parent, guardian,
660 conservator or other individual authorized to assert the confidentiality
661 of or right of access to records of a person;

662 (4) "Consent" means permission given in writing by a person, his
663 attorney or his authorized representative to disclose specified
664 information, within a limited time period, regarding the person to
665 specifically identified individuals;

666 (5) "Records" means information created or obtained in connection
667 with the department's child protection activities or activities related to
668 a child while in the care or custody of the department, including
669 information in the registry of reports to be maintained by the
670 commissioner pursuant to section 17a-101k, provided records which

671 are not created by the department are not subject to disclosure, except
672 as provided pursuant to subsection (f), (l) or (n) of this section;

673 (6) "Disclose" means (A) to provide an oral summary of records
674 maintained by the department to an individual, agency, corporation or
675 organization, or (B) to allow an individual, agency, corporation or
676 organization to review or obtain copies of such records in whole, part
677 or summary form;

678 (7) "Near fatality" means an act, as certified by a physician, that
679 places a child in serious or critical condition.

680 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
681 records maintained by the department shall be confidential and shall
682 not be disclosed, unless the department receives written consent from
683 the person or as provided in this section. Any unauthorized disclosure
684 shall be punishable by a fine of not more than one thousand dollars or
685 imprisonment for not more than one year, or both. Any employee of
686 the department who in the ordinary course of such person's
687 employment has reasonable cause to suspect or believe that another
688 employee has engaged in the unauthorized disclosure of records shall
689 report in writing such unauthorized disclosure of records to the
690 commissioner. The report shall include the name of the person
691 disclosing the information and the nature of the information disclosed
692 and to whom it was disclosed, if known.

693 (c) When information concerning an incident of abuse or neglect has
694 been made public or when the commissioner reasonably believes
695 publication of such information is likely, the commissioner or the
696 commissioner's designee may disclose, with respect to an investigation
697 of such abuse or neglect: (1) Whether the department has received a
698 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
699 section 17a-103, and (2) in general terms, any action taken by the
700 department, provided (A) the names or other individually identifiable
701 information of the minor victim or other family member is not
702 disclosed, and (B) the name or other individually identifiable
703 information of the person suspected to be responsible for the abuse or

704 neglect is not disclosed unless the person has been arrested for a crime
705 due to such abuse or neglect.

706 (d) The commissioner shall make available to the public, without
707 the consent of the person, information in general terms or findings
708 concerning an incident of abuse or neglect which resulted in a child
709 fatality or near fatality of a child, provided disclosure of such
710 information or findings does not jeopardize a pending investigation.

711 (e) The commissioner shall, upon written request, disclose the
712 following information concerning agencies licensed by the Department
713 of Children and Families, except foster care parents, relatives of the
714 child who are certified to provide foster care or prospective adoptive
715 families: (1) The name of the licensee; (2) the date the original license
716 was issued; (3) the current status of the license; (4) whether an agency
717 investigation or review is pending or has been completed; and (5) any
718 licensing action taken by the department at any time during the period
719 such license was issued and the reason for such action, provided
720 disclosure of such information will not jeopardize a pending
721 investigation.

722 (f) The commissioner or the commissioner's designee shall, upon
723 request, promptly provide copies of records, without the consent of a
724 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
725 or the Chief State's Attorney's designee, or a state's attorney for the
726 judicial district in which the child resides or in which the alleged abuse
727 or neglect occurred, or the state's attorney's designee, for purposes of
728 investigating or prosecuting an allegation of child abuse or neglect, (3)
729 the attorney appointed to represent a child in any court in litigation
730 affecting the best interests of the child, (4) a guardian ad litem
731 appointed to represent a child in any court in litigation affecting the
732 best interests of the child, (5) the Department of Public Health, in
733 connection with: (A) Licensure of any person to care for children for
734 the purposes of determining the suitability of such person for
735 licensure, subject to the provisions of sections 17a-101g and 17a-101k,
736 or (B) an investigation conducted pursuant to section 19a-80f, (6) any

737 state agency which licenses such person to educate or care for children
738 pursuant to section 10-145b or 17a-101j, subject to the provisions of
739 sections 17a-101g and 17a-101k concerning nondisclosure of findings
740 of responsibility for abuse and neglect, (7) the Governor, when
741 requested in writing, in the course of the Governor's official functions
742 or the Legislative Program Review and Investigations Committee, the
743 joint standing committee of the General Assembly having cognizance
744 of matters relating to the judiciary and the select committee of the
745 General Assembly having cognizance of matters relating to children
746 when requested in the course of said committees' official functions in
747 writing, and upon a majority vote of said committee, provided no
748 names or other identifying information shall be disclosed unless it is
749 essential to the legislative or gubernatorial purpose, (8) a local or
750 regional board of education, provided the records are limited to
751 educational records created or obtained by the state or Connecticut-
752 Unified School District #2, established pursuant to section 17a-37, (9) a
753 party in a custody proceeding under section 17a-112 or 46b-129, in the
754 Superior Court where such records concern a child who is the subject
755 of the proceeding or the parent of such child, (10) the Chief Child
756 Protection Attorney, or his or her designee, for purposes of ensuring
757 competent representation by the attorneys whom the Chief Child
758 Protection Attorney contracts with to provide legal and guardian ad
759 litem services to the subjects of such records and to ensure accurate
760 payments for services rendered by such contract attorneys, [and] (11)
761 the Department of Motor Vehicles, for purposes of checking the state's
762 child abuse and neglect registry pursuant to subsection (e) of section
763 14-44, and (12) a judge of the Superior Court and all necessary parties
764 in a family violence proceeding when such records concern family
765 violence with respect to the child who is the subject of the proceeding
766 or the parent of such child who is the subject of the proceeding. A
767 disclosure under this section shall be made of any part of a record,
768 whether or not created by the department, provided no confidential
769 record of the Superior Court shall be disclosed other than the petition
770 and any affidavits filed therewith in the superior court for juvenile
771 matters, except upon an order of a judge of the Superior Court for

772 good cause shown. The commissioner shall also disclose the name of
773 any individual who cooperates with an investigation of a report of
774 child abuse or neglect to such law enforcement agency or state's
775 attorney for purposes of investigating or prosecuting an allegation of
776 child abuse or neglect. The commissioner or the commissioner's
777 designee shall, upon request, subject to the provisions of sections 17a-
778 101g and 17a-101k, promptly provide copies of records, without the
779 consent of the person, to (A) the Department of Public Health for the
780 purpose of determining the suitability of a person to care for children
781 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
782 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
783 Services for determining the suitability of a person for any payment
784 from the department for providing child care.

785 (g) When the commissioner or his designee determines it to be in a
786 person's best interest, the commissioner or his designee may disclose
787 records, whether or not created by the department and not otherwise
788 privileged or confidential communications under state or federal law,
789 without the consent of a person to:

790 (1) Multidisciplinary teams which are formed to assist the
791 department in investigation, evaluation or treatment of child abuse
792 and neglect cases or a multidisciplinary provider of professional
793 treatment services under contract with the department for a child
794 referred to the provider;

795 (2) Any agency in another state which is responsible for
796 investigating or protecting against child abuse or neglect for the
797 purpose of investigating a child abuse case;

798 (3) An individual, including a physician, authorized pursuant to
799 section 17a-101f to place a child in protective custody if such
800 individual has before him a child whom he reasonably suspects may
801 be a victim of abuse or neglect and such individual requires the
802 information in a record in order to determine whether to place the
803 child in protective custody;

804 (4) An individual or public or private agency responsible for a
805 person's care or custody and authorized by the department to
806 diagnose, care for, treat or supervise a child who is the subject of a
807 record of child abuse or neglect or a public or private agency
808 responsible for a person's education for a purpose related to the
809 individual's or agency's responsibilities;

810 (5) The Attorney General or any assistant attorney general
811 providing legal counsel for the department;

812 (6) Individuals or public or private agencies engaged in medical,
813 psychological or psychiatric diagnosis or treatment of a person
814 perpetrating the abuse or who is unwilling or unable to protect the
815 child from abuse or neglect when the commissioner or his designee
816 determines that the disclosure is needed to accomplish the objectives
817 of diagnosis or treatment;

818 (7) A person who reports child abuse pursuant to sections 17a-101a
819 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
820 involving the subject child, provided the information disclosed is
821 limited to (A) the status of the investigation and (B) in general terms,
822 any action taken by the department;

823 (8) An individual conducting bona fide research, provided no
824 information identifying the subjects of records shall be disclosed
825 unless (A) such information is essential to the purpose of the research;
826 (B) each person identified in a record or his authorized representative
827 has authorized such disclosure in writing; and (C) the department has
828 given written approval;

829 (9) The Auditors of Public Accounts or their representative,
830 provided no information identifying the subjects of the records shall be
831 disclosed unless such information is essential to an audit conducted
832 pursuant to section 2-90;

833 (10) The Department of Social Services, provided the information
834 disclosed is necessary to promote the health, safety and welfare of the

835 child;

836 (11) A judge of the Superior Court for purposes of determining the
837 appropriate disposition of a child convicted as delinquent or a child
838 who is a member of a family with service needs;

839 (12) The superintendents, or their designees, of state-operated
840 facilities within the department; and

841 (13) The Department of Developmental Services, to allow said
842 department to determine eligibility, facilitate enrollment and plan for
843 the provision of services to a child, who is a client of said department
844 but who is not yet participating in said department's voluntary
845 services program. Records provided pursuant to this subdivision shall
846 be limited to a written summary of any investigation conducted by the
847 Department of Children and Families pursuant to section 17a-101g. At
848 the time that a parent or guardian completes an application for
849 enrollment of a child in the Department of Developmental Services
850 voluntary services program, said department shall notify such parent
851 or guardian that records specified in this subdivision may be provided
852 by the Department of Children and Families to the Department of
853 Developmental Services without the consent of such parent or
854 guardian.

855 (h) The commissioner or his designee may disclose the name,
856 address and fees for services to a person, to individuals or agencies
857 involved in the collection of fees for such services, except as provided
858 in section 17b-225. In cases where a dispute arises over such fees or
859 claims or where additional information is needed to substantiate the
860 fee or claim, such disclosure of further information shall be limited to
861 the following: (1) That the person was in fact committed to or
862 otherwise served by the department; (2) dates and duration of service;
863 and (3) a general description of the service, which shall include
864 evidence that a service or treatment plan exists and has been carried
865 out and evidence to substantiate the necessity for admission and
866 length of stay in any institution or facility.

867 (i) Notwithstanding the provisions of subsections (f) and (l) of this
868 section, the name of an individual reporting child abuse or neglect
869 shall not be disclosed without his written consent except to (1) an
870 employee of the department responsible for child protective services or
871 the abuse registry; (2) a law enforcement officer; (3) an appropriate
872 state's attorney; (4) an appropriate assistant attorney general; (5) a
873 judge of the Superior Court and all necessary parties in a court
874 proceeding pursuant to section 46b-129, or a criminal prosecution
875 involving child abuse or neglect; or (6) a state child care licensing
876 agency, executive director of any institution, school or facility or
877 superintendent of schools pursuant to section 17a-101i.

878 (j) Notwithstanding the provisions of subsection (g) of this section,
879 the name of any individual who cooperates with an investigation of a
880 report of child abuse or neglect shall be kept confidential upon request
881 or upon determination by the department that disclosure of such
882 information may be detrimental to the safety or interests of the
883 individual, except the name of any such individual shall be disclosed
884 to the persons listed in subsection (i) of this section.

885 (k) Notwithstanding the confidentiality provisions of this section,
886 the commissioner, upon request of an employee, shall disclose such
887 records to such employee or his authorized representative which
888 would be applicable and necessary for the purposes of an employee
889 disciplinary hearing or appeal from a decision after such hearing.

890 (l) Information disclosed from a person's record shall not be
891 disclosed further without the written consent of the person, except if
892 disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a
893 party or his counsel pursuant to an order of a court in which a criminal
894 prosecution or an abuse, neglect, commitment or termination
895 proceeding against the party is pending. A state's attorney shall
896 disclose to the defendant or his counsel in a criminal prosecution,
897 without the necessity of a court order, exculpatory information and
898 material contained in such record and may disclose, without a court
899 order, information and material contained in such record which could

900 be the subject of a disclosure order. All written records disclosed to
901 another individual or agency shall bear a stamp requiring
902 confidentiality in accordance with the provisions of this section. Such
903 material shall not be disclosed to anyone without written consent of
904 the person or as provided by this section. A copy of the consent form
905 specifying to whom and for what specific use the record is disclosed or
906 a statement setting forth any other statutory authorization for
907 disclosure and the limitations imposed thereon shall accompany such
908 record. In cases where the disclosure is made orally, the individual
909 disclosing the information shall inform the recipient that such
910 information is governed by the provisions of this section.

911 (m) In addition to the right of access provided in section 1-210, any
912 person, regardless of age, his authorized representative or attorney
913 shall have the right of access to any records made, maintained or kept
914 on file by the department, whether or not such records are required by
915 any law or by any rule or regulation, when those records pertain to or
916 contain information or materials concerning the person seeking access
917 thereto, including but not limited to records concerning investigations,
918 reports, or medical, psychological or psychiatric examinations of the
919 person seeking access thereto, provided that (1) information
920 identifying an individual who reported abuse or neglect of a person,
921 including any tape recording of an oral report pursuant to section 17a-
922 103, shall not be released unless, upon application to the Superior
923 Court by such person and served on the Commissioner of Children
924 and Families, a judge determines, after in camera inspection of
925 relevant records and a hearing, that there is reasonable cause to believe
926 the reporter knowingly made a false report or that other interests of
927 justice require such release; and (2) if the commissioner determines
928 that it would be contrary to the best interests of the person or his
929 authorized representative or attorney to review the records, he may
930 refuse access by issuing to such person or representative or attorney a
931 written statement setting forth the reasons for such refusal, and advise
932 the person, his authorized representative or attorney of the right to
933 seek judicial relief. When any person, attorney or authorized
934 representative, having obtained access to any record, believes there are

935 factually inaccurate entries or materials contained therein, he shall
936 have the unqualified right to add a statement to the record setting
937 forth what he believes to be an accurate statement of those facts, and
938 said statement shall become a permanent part of said record.

939 (n) (1) Any person, attorney or authorized representative aggrieved
940 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
941 of subsection (m) of this section, except subdivision (2) of said
942 subsection (m), may seek judicial relief in the same manner as
943 provided in section 52-146j; (2) any person, attorney or authorized
944 representative denied access to records by the commissioner under
945 subdivision (2) of subsection (m) of this section may petition the
946 superior court for the venue district provided in section 46b-142 in
947 which the person resides for an order requiring the commissioner to
948 permit access to those records, and the court after hearing, and an in
949 camera review of the records in question, shall issue such an order
950 unless it determines that to permit such access would be contrary to
951 the best interests of the person or authorized representative.

952 (o) The commissioner shall promulgate regulations pursuant to
953 chapter 54, within one year of October 1, 1996, to establish procedures
954 for access to and disclosure of records consistent with the provisions of
955 this section.

956 Sec. 17. (*Effective from passage*) The Chief Court Administrator shall
957 apply for, receive, allocate, disburse and account for grants of funds
958 made available by the United States, including, but not limited to,
959 funds available pursuant to the federal Violence Against Women Act
960 of 1994, 18 USC 2265, for the purpose of funding the electronic
961 monitoring pilot program established under subsection (f) of section
962 46b-38c of the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	46b-15(b)
Sec. 2	October 1, 2010	46b-15(e)

Sec. 3	<i>October 1, 2010</i>	46b-38c
Sec. 4	<i>October 1, 2010</i>	51-5c
Sec. 5	<i>October 1, 2010</i>	53a-40e
Sec. 6	<i>October 1, 2010</i>	53a-223a
Sec. 7	<i>October 1, 2010</i>	54-1k
Sec. 8	<i>October 1, 2010</i>	53a-28
Sec. 9	<i>October 1, 2010</i>	17b-90(c)
Sec. 10	<i>October 1, 2010</i>	18-81m
Sec. 11	<i>October 1, 2010</i>	46b-15c
Sec. 12	<i>October 1, 2010</i>	53a-40d
Sec. 13	<i>October 1, 2010</i>	New section
Sec. 14	<i>October 1, 2010</i>	54-85b
Sec. 15	<i>October 1, 2010</i>	New section
Sec. 16	<i>October 1, 2010</i>	17a-28
Sec. 17	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Judicial Department	GF - Cost	Approximately \$46,000	Approximately \$140,000
Judicial Department; Pub. Defender Serv. Com.; Comptroller Misc. Accounts (Fringe Benefits); Criminal Justice, Div.	GF - Potential Cost	See Below	See Below
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

Electronic Monitoring of Family Violence Offenders

The bill establishes a pilot program for the electronic monitoring of family violence offenders and requires the Chief Court Administrator to apply for federal grants to fund the program. The Judicial Department is currently using \$140,000 in federal stimulus funds through the STOP Violence Against Women Act to track 21 high-risk offenders over the course of 12 months. Upon termination (March 2011) of the federal grant supporting the electronic monitoring, the state is expected to incur a cost to continue the pilot program that the bill requires. The FY 11 state cost is estimated to be \$46,000; the annualized, ongoing cost in FY 12 is estimated at \$140,000.

Family Violence Dockets

The bill allows the Judicial Department to establish a family violence docket in each Geographical Area court. It would cost

approximately \$1.3 million to expand family violence dockets from the existing 8 Geographical Area courts to include the remaining 12 GA courts. (See the table below for details about the location of family/domestic violence dockets.) This cost would be borne by several state agencies. Since no additional funding is provided to these agencies under sHB 5018 (AA Making Adjustments to State Expenditures and Revenues for FY 11, as favorably reported from the Appropriations Committee), the bill’s expansion is not anticipated to occur until such time that resources allow.

GA Courts with Domestic Violence Dockets	
# DV Cases Added in 2006	
New Haven	3,228
Hartford	3,174
Waterbury	2,932
New Britain	2,068
Bridgeport	2,019
New London	1,135
Stamford	907
Norwalk	938
	<u>16,401</u>
GA Courts without Domestic Violence Dockets	
# DV Cases Added in 2006	
Manchester	1,755
Meriden	1,506
Bristol	1,207
Enfield	1,189
Danielson	1,113
Middletown	999
Bantam	997
Danbury	937
Norwich	936
Milford	824
Derby	750
Rockville	579
	<u>12,792</u>
Total	<u>29,193</u>

Persistent Offenders

The bill eliminates the five-year look back period that would subject certain offenders to enhanced criminal penalties as persistent offenders. To the extent that this change increases the likelihood that offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated

that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$47,425 to incarcerate the offender.

Leave for Victims of Family Violence

Lastly, the bill requires employers, including the state and municipalities, to allow family violence victims to take paid or unpaid leave in order to do any of the following: (1) seek medical care or counseling for physical or psychological injury or disability; (2) obtain services from a victim services organization; (3) relocate due to the family violence; or (4) participate in any civil or criminal proceeding related to or resulting from family violence. This change has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5497*****AN ACT CONCERNING THE RECOMMENDATIONS OF THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES' TASK FORCE
ON DOMESTIC VIOLENCE.*****SUMMARY:**

This bill makes a number of changes to the laws concerning family violence. It:

1. allows the court to consider relevant public court documents in making orders relevant to a petition for relief from physical abuse and eliminates the requirement that copies of the order provided to the applicant be certified (§§ 1 & 2);
2. expands information and disclosure requirements for family violence intervention units, courts, and the Department of Children and Families (DCF);
3. establishes a pilot program for electronic monitoring of family violence offenders and requires the chief court administrator to apply for federal grants to fund the program;
4. changes the name of standing criminal restraining order to standing criminal protective order to distinguish them from civil restraining orders;
5. (a) requires the court to specify a duration when issuing standing criminal protective orders, (b) allows the court to continue a protective order as necessary and issue a protective order for the probation period, and (c) makes other minor changes regarding these types of orders;
6. expands the persistent offender law for crimes involving

assault, trespass, threatening, harassment, and violation of a restraining or protective order by eliminating the limitation on the look-back period and allowing the court to consider convictions for essentially the same crimes in other states;

7. allows the chief court administrator to establish a family violence docket in each geographic area; and
8. enhances existing, and creates additional, employment protections for family violence victims, including allowing the use of leave time to deal with family violence issues.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2010, except for the electronic monitoring funding provision, which is effective on passage.

DISCLOSURE/SHARING OF INFORMATION

§ 3 – *By Family Violence Intervention Units*

By law, each geographical area of the Superior Court must have a local family violence intervention unit. Among other things, each unit must accept case referrals, prepare reports on the cases, and provide or arrange for services for victims and offenders. All information provided to a family relations officer must be confidential and used only for preparing the report and forms for each case and recommending services. However, if a victim indicates that the defendant has a gun permit or possesses a gun, the family violence officer must disclose it to the court and the prosecutor.

The bill changes family relations officers to counselors and imposes the same confidentiality provisions that apply to them to counselor trainees or family service supervisors employed by the Judicial Branch.

It also adds additional exceptions to the confidentiality rule, allowing disclosure of information:

1. that indicates that a defendant poses a danger or threat to a child or a parent of the child, to a DCF employee;

2. pursuant to guidelines adopted by the chief court administrator, to another family relations counselor, counselor trainee, or family services supervisor;
3. regarding a defendant who is on or is being considered for pretrial release, to a bail commissioner employed by the Judicial Branch;
4. that indicates that a defendant poses a danger or threat to another person to a law enforcement agency; and
5. after disposition of a family violence case, (a) regarding a defendant who has been convicted and sentenced to a period of probation in a family violence case to a probation officer or a juvenile probation officer, for purposes of determining service needs and supervision levels and (b) regarding defendants who are the clients of organizations under contract with the Judicial Branch to provide family violence programs and services, for purposes of determining program and service needs.

§ 4 — By the Court

By law, the chief court administrator must establish and maintain a registry of protective orders and adopt policies and procedures for its operation. The bill requires her specifically to adopt policies and procedures governing the disclosure of information in the registry to Superior Court judges and Judicial Department employees.

§16 — By DCF

Generally, by law, records maintained by DCF must be confidential and cannot be disclosed unless the department receives prior consent from the person named in the record or the person's parent or authorized representative. The bill adds an additional exception to this rule for disclosure of records concerning family violence. It requires DCF to make disclosures with respect to a child or parent of a child to a Superior Court judge and all necessary parties in a family violence proceeding.

§§ 3 & 17 — ELECTRONIC MONITORING OF FAMILY VIOLENCE OFFENDERS

The bill requires the Judicial Branch to establish an electronic monitoring pilot program for family violence offenders in three judicial districts. The pilot program must be conducted in at least one judicial district that contains an urban area and at least one that does not. Under the program, the court can order any person appearing in the judicial district who is charged with violating a restraining or protective order and who has been determined to be a high-risk offender by the family violence intervention unit, be subject to electronic monitoring if the court finds that it is necessary to protect the victim. The cost of the electronic monitoring must be paid by the person who is subject to the monitoring, subject to the Chief Court Administrator guidelines establishes.

The monitoring is designed to warn law enforcement agencies, a statewide information collection center, and the victim when the person is within a specified distance of the victim. If the court orders that a person be subject to electronic monitoring, the clerk of the court must send a copy of the order, or the information contained in the order, to the law enforcement agency or agencies for the town in which the person resides.

The bill requires the chief court administrator to apply for, receive, allocate, disburse, and account for federal grants to fund the program, including funds available under the federal Violence Against Women Act of 1994.

PROTECTIVE ORDERS AND STANDING CRIMINAL RESTRAINING/PROTECTIVE ORDERS**§§ 5, 6, 10 & 11 – *Standing Criminal Restraining/Protective Orders***

By law, protective orders in family violence cases generally terminate when the underlying criminal case concludes. However, under certain conditions, courts can issue a standing criminal restraining order, in addition to any sentence of incarceration, against people convicted of certain family violence crimes. These orders stay in

effect until modified or revoked by the court for good cause shown.

The bill changes the name of the orders to standing criminal protective orders. It also requires them to stay in effect for a court-specified duration and makes a conforming change to the notice accompanying the order eliminating the reference to modification or revocation.

§§ 7 & 8 — Protective Orders

By law, courts can generally issue a protective order when a person has been arrested for sexual assault, risk of injury to a minor impairing the morals of a minor, assault, stalking, or harassment. The bill eliminates the requirement that the victim's copy of the protective order be certified and allows the court clerk to send the information contained in the order, rather than the order itself. It requires the order, or information contained in it, to be provided to the law enforcement agency for the town where the victim lives, the town where the defendant lives, and the town where the victim works. Current law only requires the information or order be provided to the appropriate law enforcement agency.

The bill specifically authorizes the court to continue a protective order for any period of time deemed necessary to protect the victim and his or her animal. It also allows the court, when sentencing a person subject to a protective order to probation, to issue a protective order that is effective during the probation period if good cause is shown.

§ 12 — PERSISTENT OFFENDERS

The law subjects a person who has been convicted of assault, trespass, threatening, harassment, criminal violation of a protective order, or criminal violation of a restraining order to an enhanced penalty for persistent offenders if he or she has also, within the previous five years, been convicted of or released from prison for committing:

1. a capital or class A felony;

2. a class B felony, except promoting prostitution in the first degree;
3. first- degree larceny;
4. a class C felony, except promoting prostitution in the second degree and bribing jurors;
5. second- or third-degree assault or criminal trespass, third-degree burglary or robbery, third-degree sexual assault, second-degree stalking or harassment; or
6. threatening, unlawful restraint, criminal use of a firearm, reckless burning, or violating a protective order.

The bill (1) eliminates the five-year look-back period, thus requiring the court to consider any prior convictions of specified crimes and (2) subjects to the persistent offender laws anyone who has previously been convicted of a crime with substantially similar essential elements to the specified crimes in another state. The enhanced penalty is the sentence for the next more serious degree of the crime.

§ 13 — FAMILY VIOLENCE DOCKET

The bill allows the chief court administrator to establish, within available appropriations, a separate docket for family violence matters in each geographic area. In doing so, the bill requires her to examine the effectiveness of family violence dockets in existence before October 1, 2010, and incorporate, within available appropriations, operational elements of those dockets that she deems beneficial to victims of family violence.

The bill allows the chief court administrator to designate, within available appropriations, Judicial Branch staff in each geographic area to assist parties in family violence cases, including helping them complete forms. The administrator can limit this assistance to hours of operation she designates.

§§ 14 & 15 — EMPLOYMENT PROTECTIONS IN FAMILY VIOLENCE SITUATIONS***Employment Protections for Crime Victims***

The bill prohibits an employer from terminating, penalizing, threatening, or otherwise coercing an employee with respect to his or her employment because the employee (1) is a family violence victim or (2) attends or participates in a civil court proceeding related to a case in which he or she is a family violence victim. The law already prohibits employers from taking such action in a number of other situations, including when the employee (1) has been subpoenaed in a criminal case, (2) is a crime victim participating in a criminal case, or (3) has a protective or restraining order issued on his or her behalf.

The bill doubles, from 90 to 180 days, the time an employee has to bring a civil action against an employer who takes any of these actions.

Use of Leave Time

The bill requires employers to allow family violence victims to take paid or unpaid leave (including flextime, compensatory time, vacation time, personal days, or other time off) during any calendar year in which the leave is reasonably necessary to:

1. seek medical care or counseling for physical or psychological injury or disability,
2. obtain services from a victim services organization,
3. relocate due to the family violence, or
4. participate in any civil or criminal proceeding related to or resulting from such family violence.

The bill defines an employer as a person engaged in business, including the state and any political subdivision of the state, who has at least one employee. It allows employers to require no more than seven days notice when the need to use leave is foreseeable and notice as soon as practicable when it is not.

The bill requires an employee who takes this leave, on request, to provide the employer with a signed written statement certifying that the leave is for a purpose authorized under bill. It also allows the employer to request that the employee provide a police or court record related to the family violence or a signed written statement that the employee is a victim of family violence from the employee or an agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, or a medical or other professional from whom the employee has sought assistance with respect to the family violence. The bill requires the employer to keep any written statement or police or court record provided confidential. The employer cannot further disclose the information except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee must be given notice before the disclosure.

The bill specifies that it does not:

1. prevent employers from providing more leave than is required under this section,
2. diminish any rights provided to any employee under the terms of the employee's employment or a collective bargaining agreement, or
3. preempt or override the terms of any collective bargaining agreement in effect October 1, 2010.

Additionally, the bill specifies that it cannot be construed to require an employer to provide paid leave if (1) the employee is not entitled to paid leave pursuant to the terms and conditions of the employee's employment or (2) the paid leave exceeds the maximum amount of leave due the employee during any calendar year. However, the bill requires the employer to provide unpaid leave if paid leave is exhausted or not provided.

The bill imposes the same penalty for violations as exists for

violations of the laws protecting crime victims. That is, the employee has 180 days from the occurrence to bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee must be allowed a reasonable attorney's fee that is fixed by the court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 5 (03/26/2010)