



# House of Representatives

**File No. 665**

General Assembly

February Session, 2010

**(Reprint of File No. 483)**

Substitute House Bill No. 5497  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 28, 2010

***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2 repealed and the following is substituted in lieu thereof (*Effective*  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 may establish, within available  
189 appropriations, a pilot program in three judicial districts for the  
190 purpose of using electronic monitoring in accordance with this  
191 subsection. Such pilot program shall be conducted in at least one  
192 judicial district that contains an urban area, as defined in section 4b-13,  
193 and at least one judicial district that does not contain such an urban  
194 area. Pursuant to such pilot program, the court may order that any  
195 person appearing in such judicial district who is charged with the  
196 violation of a restraining order or a protective order, and who has been  
197 determined to be a high-risk offender by the family violence  
198 intervention unit, be subject to electronic monitoring designed to warn  
199 law enforcement agencies, a state-wide information collection center  
200 and the victim when the person is within a specified distance of the  
201 victim, if the court finds that such electronic monitoring is necessary to  
202 protect the victim, provided the cost of such electronic monitoring is  
203 paid by the person who is subject to such electronic monitoring,  
204 subject to guidelines established by the Chief Court Administrator. If  
205 the court orders that such person be subject to electronic monitoring,  
206 the clerk of the court shall send, by facsimile or other means, a copy of  
207 the order, or the information contained in any such order, to the law  
208 enforcement agency or agencies for the town in which the person  
209 resides. The Judicial Branch shall cease operation of any pilot program  
210 established under this subsection not later than March 31, 2011, unless  
211 resources are available to continue operation of the pilot program.

212 [(f)] (g) In cases referred to the local family violence intervention  
213 unit, it shall be the function of the unit to (1) identify victim service  
214 needs and, by contract with victim service providers, make available

215 appropriate services, and (2) identify appropriate offender services  
216 and where possible, by contract, provide treatment programs for  
217 offenders.

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



249 with which the defendant is charged, and to a waiver of the  
250 defendant's right to a speedy trial. Any such defendant shall appear in  
251 court and shall be released to the custody of the family violence  
252 intervention unit for such period, not exceeding two years, and under  
253 such conditions as the court shall order. If the defendant refuses to  
254 accept, or, having accepted, violates such conditions, the defendant's  
255 case shall be brought to trial. If the defendant satisfactorily completes  
256 the family violence education program and complies with the  
257 conditions imposed for the period set by the court, the defendant may  
258 apply for dismissal of the charges against the defendant and the court,  
259 on finding satisfactory compliance, shall dismiss such charges. Upon  
260 dismissal all records of such charges shall be erased pursuant to  
261 section 54-142a.

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

268 [(i)] (j) The Judicial Department shall establish an ongoing training  
269 program for judges, Court Support Services Division personnel and  
270 clerks to inform them about the policies and procedures of sections  
271 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f, inclusive, and  
272 54-1g, including, but not limited to, the function of the family violence  
273 intervention units and the use of restraining and protective orders.

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

276 (a) The Chief Court Administrator shall establish and maintain an  
277 automated registry of protective orders that shall contain (1) protective  
278 or restraining orders issued by courts of this state, including, but not  
279 limited to, orders issued pursuant to sections 46b-15, as amended by  
280 this act, 46b-38c, as amended by this act, 53a-40e, as amended by this

281 act, 54-1k, as amended by this act, 54-82q and 54-82r, and (2) foreign  
282 orders of protection that have been registered in this state pursuant to  
283 section 46b-15a. The registry shall clearly indicate the date of  
284 commencement, the termination date, if specified, and the duration of  
285 any order contained therein. The Chief Court Administrator shall  
286 adopt policies and procedures for the operation of the registry, which  
287 shall include policies and procedures governing the disclosure of  
288 information in the registry to the judges of the Superior Court and  
289 employees of the Judicial Department.

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

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

315 (3) Except as provided in subsection (c) of this section, the  
316 information contained in the registry shall be provided to and may be  
317 accessed through the Connecticut on-line law enforcement  
318 communications teleprocessing system maintained by the Department  
319 of Public Safety. Nothing in this section shall be construed to permit  
320 public access to the Connecticut on-line law enforcement  
321 communications teleprocessing system.

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

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

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

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

347 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-  
348 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71,  
349 53a-72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183, 53a-  
350 223, 53a-223a, as amended by this act, or 53a-223b or attempt or  
351 conspiracy to violate any of said sections or section 53a-54a, against a  
352 family or household member, as defined in section 46b-38a, or (2) any  
353 crime that the court determines constitutes a family violence crime, as  
354 defined in section 46b-38a, or attempt or conspiracy to commit any  
355 such crime, the court may, in addition to imposing the sentence  
356 authorized for the crime under section 53a-35a or 53a-36, if the court is  
357 of the opinion that the history and character and the nature and  
358 circumstances of the criminal conduct of such offender indicate that a  
359 standing criminal [restraining] protective order will best serve the  
360 interest of the victim and the public, issue a standing criminal  
361 [restraining] protective order which shall remain in effect for a  
362 duration specified by the court until modified or revoked by the court  
363 for good cause shown. If any person is convicted of any crime against a  
364 family or household member, as defined in section 46b-38a, other than  
365 a crime specified in subdivision (1) or (2) of this subsection, the court  
366 may, for good cause shown, issue a standing criminal [restraining]  
367 protective order pursuant to this subsection.

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

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

381 fine of not more than five thousand dollars or both."]

382 (c) Such standing criminal protective order shall include the  
383 following notice: "In accordance with section 53a-223a of the  
384 Connecticut general statutes, violation of this order shall be punishable  
385 by a term of imprisonment of not less than one year nor more than five  
386 years, a fine of not more than five thousand dollars, or both."

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

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

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

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

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

412 in which the defendant resides.

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

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

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

442 (NEW) (f) When sentencing a person to a period of probation who is  
443 or has been subject to a protective order issued under section 54-1k, as

444 amended by this act, the court may issue a protective order that is  
445 effective during such period of probation.

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

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

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

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

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

475 (a) In any court proceeding in a family relations matter, as defined  
476 in section 46b-1, the court may, within available resources, upon  
477 motion of the attorney for any party, order that the testimony of a  
478 party or a child who is a subject of the proceeding be taken outside the  
479 physical presence of any other party if a protective order, restraining  
480 order or standing criminal [restraining] protective order has been  
481 issued on behalf of the party or child, and the other party is subject to  
482 the protective order, [or] restraining order or standing criminal  
483 protective order. Such order may provide for the use of alternative  
484 means to obtain the testimony of any party or child, including, but not  
485 limited to, the use of a secure video connection for the purpose of  
486 conducting hearings by videoconference. Such testimony may be taken  
487 in a room other than the courtroom or at another location outside the  
488 courthouse or outside the state. The court shall provide for the  
489 administration of an oath to such party or child prior to the taking of  
490 such testimony in accordance with the rules of the Superior Court.

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

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

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

498 (a) A persistent offender of crimes involving assault, stalking,  
499 trespass, threatening, harassment, criminal violation of a protective  
500 order or criminal violation of a restraining order is a person who (1)  
501 stands convicted of assault under section 53a-61, stalking under section  
502 53a-181d, threatening under section 53a-62, harassment under section  
503 53a-183, criminal violation of a protective order under section 53a-223,  
504 criminal violation of a restraining order under section 53a-223b or  
505 criminal trespass under section 53a-107 or 53a-108, and (2) has, [within  
506 the five years preceding the commission of the present crime,] (A) been



507 convicted of a capital felony, a class A felony, a class B felony, except a  
508 conviction under section 53a-86 or 53a-122, a class C felony, except a  
509 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony  
510 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,  
511 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section  
512 53a-61, stalking under section 53a-181d, threatening under section 53a-  
513 62, harassment under section 53a-183, criminal violation of a protective  
514 order under section 53a-223, criminal violation of a restraining order  
515 under section 53a-223b, or criminal trespass under section 53a-107 or  
516 53a-108, (B) been convicted in any other state of any crime the essential  
517 elements of which are substantially the same as any of the crimes  
518 enumerated in subparagraph (A) of this subdivision, or [has] (C) been  
519 released from incarceration with respect to such conviction. [,  
520 whichever is later.]

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

531 Sec. 13. (NEW) (*Effective from passage*) (a) For the purposes of this  
532 section, "domestic violence docket" means a docket in a geographical  
533 area separate and apart from other criminal matters for the hearing of  
534 family violence matters.

535 (b) Not later than December 31, 2010, the Chief Court Administrator  
536 shall identify geographical areas that do not have a domestic violence  
537 docket and designate three geographical areas from among such  
538 geographical areas for the establishment of domestic violence dockets.  
539 Not later than June 30, 2011, the Chief Court Administrator may

540 establish, within available resources, a domestic violence docket in  
541 each geographical area so designated under this subsection. If the  
542 Chief Court Administrator establishes such dockets, the Chief Court  
543 Administrator shall, prior to establishing such dockets, examine the  
544 effectiveness of domestic violence dockets in existence prior to the  
545 effective date of this section, and incorporate, within available  
546 resources, the operational elements of such dockets that the Chief  
547 Court Administrator deems beneficial to victims of family violence. If  
548 the Chief Court Administrator does not establish such dockets by June  
549 30, 2011, the Chief Court Administrator shall submit a report, in  
550 accordance with section 11-4a of the general statutes, to the joint  
551 standing committee of the General Assembly having cognizance of  
552 matters relating to the judiciary, stating the reasons why such dockets  
553 were not established.

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

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

574 member or guardian of (A) a person who suffers such harm and is a  
575 minor, physically disabled, as defined in section 46a-51, or  
576 incompetent, or (B) a homicide victim.

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

581 (c) If an employer discharges, penalizes or threatens or otherwise  
582 coerces an employee in violation of subsection (a) of this section, the  
583 employee, not later than [ninety] one hundred eighty days from the  
584 occurrence of such action, may bring a civil action for damages and for  
585 an order requiring the employee's reinstatement or otherwise  
586 rescinding such action. If the employee prevails, the employee shall be  
587 allowed a reasonable attorney's fee to be fixed by the court.

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

590 (1) "Employer" means a person engaged in business who has three  
591 or more employees, including the state and any political subdivision of  
592 the state;

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

595 (3) "Family violence" means family violence, as defined in section  
596 46b-38a of the general statutes; and

597 (4) "Leave" includes paid or unpaid leave which may include, but is  
598 not limited to, compensatory time, vacation time, personal days off or  
599 other time off.

600 (b) If an employee is a victim of family violence, an employer shall  
601 permit the employee to take paid or unpaid leave during any calendar  
602 year in which such leave is reasonably necessary (1) to seek medical  
603 care or psychological or other counseling for physical or psychological

604 injury or disability for the victim, (2) to obtain services from a victim  
605 services organization on behalf of the victim, (3) to relocate due to such  
606 family violence, or (4) to participate in any civil or criminal proceeding  
607 related to or resulting from such family violence. An employer may  
608 limit unpaid leave under this section to twelve days during any  
609 calendar year. Leave under this section shall not affect any other leave  
610 provided under state or federal law.

611 (c) If an employee's need to use leave under this section is  
612 foreseeable, an employer may require advance notice, not to exceed  
613 seven days prior to the date such leave is to begin, of the intention to  
614 use such leave. If an employee's need for such leave is not foreseeable,  
615 an employer may require an employee to give notice of such intention  
616 as soon as practicable.

617 (d) Upon an employer's request, an employee who takes leave  
618 pursuant to this section shall provide the employer a signed written  
619 statement certifying that the leave is for a purpose authorized under  
620 this section. The employer may also, but need not, request that the  
621 employee provide a police or court record related to the family  
622 violence or a signed written statement that the employee is a victim of  
623 family violence, provided such statement is from an employee or agent  
624 of a victim services organization, an attorney, an employee of the  
625 Judicial Branch's Office of Victim Services or the Office of the Victim  
626 Advocate, or a licensed medical professional or other licensed  
627 professional from whom the employee has sought assistance with  
628 respect to the family violence.

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

635 (f) Nothing in this section shall be construed to require an employer

636 to provide paid leave under this section if (1) the employee is not  
637 entitled to paid leave pursuant to the terms and conditions of the  
638 employee's employment, or (2) such paid leave exceeds the maximum  
639 amount of leave due the employee during any calendar year, provided  
640 the employee shall be entitled to unpaid leave under this section if  
641 paid leave is exhausted or not provided.

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

648 (h) If an employer discharges, penalizes or threatens or otherwise  
649 coerces an employee in violation of this section, the employee, not later  
650 than one hundred eighty days from the occurrence of such action, may  
651 bring a civil action for damages and for an order requiring the  
652 employee's reinstatement or otherwise rescinding such action. If the  
653 employee prevails, the employee shall be allowed a reasonable  
654 attorney's fee to be fixed by the court.

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

658 (a) As used in this section:

659 (1) "Person" means (A) any individual named in a record,  
660 maintained by the department, who (i) is presently or at any prior time  
661 was a ward of or committed to the commissioner for any reason; (ii)  
662 otherwise received services, voluntarily or involuntarily, from the  
663 department; or (iii) is presently or was at any prior time the subject of  
664 an investigation by the department; (B) the parent of a person, as  
665 defined in subparagraph (A) of this subdivision, if such person is a  
666 minor; or (C) the authorized representative of a person, as defined in  
667 subparagraph (A) of this subdivision, if such person is deceased;

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

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

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

677 (5) "Records" means information created or obtained in connection  
678 with the department's child protection activities or activities related to  
679 a child while in the care or custody of the department, including  
680 information in the registry of reports to be maintained by the  
681 commissioner pursuant to section 17a-101k, provided records which  
682 are not created by the department are not subject to disclosure, except  
683 as provided pursuant to subsection (f), (l) or (n) of this section;

684 (6) "Disclose" means (A) to provide an oral summary of records  
685 maintained by the department to an individual, agency, corporation or  
686 organization, or (B) to allow an individual, agency, corporation or  
687 organization to review or obtain copies of such records in whole, part  
688 or summary form;

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

691 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,  
692 records maintained by the department shall be confidential and shall  
693 not be disclosed, unless the department receives written consent from  
694 the person or as provided in this section. Any unauthorized disclosure  
695 shall be punishable by a fine of not more than one thousand dollars or  
696 imprisonment for not more than one year, or both. Any employee of  
697 the department who in the ordinary course of such person's  
698 employment has reasonable cause to suspect or believe that another

699 employee has engaged in the unauthorized disclosure of records shall  
700 report in writing such unauthorized disclosure of records to the  
701 commissioner. The report shall include the name of the person  
702 disclosing the information and the nature of the information disclosed  
703 and to whom it was disclosed, if known.

704 (c) When information concerning an incident of abuse or neglect has  
705 been made public or when the commissioner reasonably believes  
706 publication of such information is likely, the commissioner or the  
707 commissioner's designee may disclose, with respect to an investigation  
708 of such abuse or neglect: (1) Whether the department has received a  
709 report in accordance with sections 17a-101a to 17a-101c, inclusive, or  
710 section 17a-103, and (2) in general terms, any action taken by the  
711 department, provided (A) the names or other individually identifiable  
712 information of the minor victim or other family member is not  
713 disclosed, and (B) the name or other individually identifiable  
714 information of the person suspected to be responsible for the abuse or  
715 neglect is not disclosed unless the person has been arrested for a crime  
716 due to such abuse or neglect.

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

722 (e) The commissioner shall, upon written request, disclose the  
723 following information concerning agencies licensed by the Department  
724 of Children and Families, except foster care parents, relatives of the  
725 child who are certified to provide foster care or prospective adoptive  
726 families: (1) The name of the licensee; (2) the date the original license  
727 was issued; (3) the current status of the license; (4) whether an agency  
728 investigation or review is pending or has been completed; and (5) any  
729 licensing action taken by the department at any time during the period  
730 such license was issued and the reason for such action, provided  
731 disclosure of such information will not jeopardize a pending

732 investigation.

733 (f) The commissioner or the commissioner's designee shall, upon  
734 request, promptly provide copies of records, without the consent of a  
735 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,  
736 or the Chief State's Attorney's designee, or a state's attorney for the  
737 judicial district in which the child resides or in which the alleged abuse  
738 or neglect occurred, or the state's attorney's designee, for purposes of  
739 investigating or prosecuting an allegation of child abuse or neglect, (3)  
740 the attorney appointed to represent a child in any court in litigation  
741 affecting the best interests of the child, (4) a guardian ad litem  
742 appointed to represent a child in any court in litigation affecting the  
743 best interests of the child, (5) the Department of Public Health, in  
744 connection with: (A) Licensure of any person to care for children for  
745 the purposes of determining the suitability of such person for  
746 licensure, subject to the provisions of sections 17a-101g and 17a-101k,  
747 or (B) an investigation conducted pursuant to section 19a-80f, (6) any  
748 state agency which licenses such person to educate or care for children  
749 pursuant to section 10-145b or 17a-101j, subject to the provisions of  
750 sections 17a-101g and 17a-101k concerning nondisclosure of findings  
751 of responsibility for abuse and neglect, (7) the Governor, when  
752 requested in writing, in the course of the Governor's official functions  
753 or the Legislative Program Review and Investigations Committee, the  
754 joint standing committee of the General Assembly having cognizance  
755 of matters relating to the judiciary and the select committee of the  
756 General Assembly having cognizance of matters relating to children  
757 when requested in the course of said committees' official functions in  
758 writing, and upon a majority vote of said committee, provided no  
759 names or other identifying information shall be disclosed unless it is  
760 essential to the legislative or gubernatorial purpose, (8) a local or  
761 regional board of education, provided the records are limited to  
762 educational records created or obtained by the state or Connecticut-  
763 Unified School District #2, established pursuant to section 17a-37, (9) a  
764 party in a custody proceeding under section 17a-112 or 46b-129, in the  
765 Superior Court where such records concern a child who is the subject



766 of the proceeding or the parent of such child, (10) the Chief Child  
767 Protection Attorney, or his or her designee, for purposes of ensuring  
768 competent representation by the attorneys whom the Chief Child  
769 Protection Attorney contracts with to provide legal and guardian ad  
770 litem services to the subjects of such records and to ensure accurate  
771 payments for services rendered by such contract attorneys, [and] (11)  
772 the Department of Motor Vehicles, for purposes of checking the state's  
773 child abuse and neglect registry pursuant to subsection (e) of section  
774 14-44, and (12) a judge of the Superior Court and all necessary parties  
775 in a family violence proceeding when such records concern family  
776 violence with respect to the child who is the subject of the proceeding  
777 or the parent of such child who is the subject of the proceeding. A  
778 disclosure under this section shall be made of any part of a record,  
779 whether or not created by the department, provided no confidential  
780 record of the Superior Court shall be disclosed other than the petition  
781 and any affidavits filed therewith in the superior court for juvenile  
782 matters, except upon an order of a judge of the Superior Court for  
783 good cause shown. The commissioner shall also disclose the name of  
784 any individual who cooperates with an investigation of a report of  
785 child abuse or neglect to such law enforcement agency or state's  
786 attorney for purposes of investigating or prosecuting an allegation of  
787 child abuse or neglect. The commissioner or the commissioner's  
788 designee shall, upon request, subject to the provisions of sections 17a-  
789 101g and 17a-101k, promptly provide copies of records, without the  
790 consent of the person, to (A) the Department of Public Health for the  
791 purpose of determining the suitability of a person to care for children  
792 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82  
793 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social  
794 Services for determining the suitability of a person for any payment  
795 from the department for providing child care.

796 (g) When the commissioner or his designee determines it to be in a  
797 person's best interest, the commissioner or his designee may disclose  
798 records, whether or not created by the department and not otherwise  
799 privileged or confidential communications under state or federal law,

800 without the consent of a person to:

801 (1) Multidisciplinary teams which are formed to assist the  
802 department in investigation, evaluation or treatment of child abuse  
803 and neglect cases or a multidisciplinary provider of professional  
804 treatment services under contract with the department for a child  
805 referred to the provider;

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

809 (3) An individual, including a physician, authorized pursuant to  
810 section 17a-101f to place a child in protective custody if such  
811 individual has before him a child whom he reasonably suspects may  
812 be a victim of abuse or neglect and such individual requires the  
813 information in a record in order to determine whether to place the  
814 child in protective custody;

815 (4) An individual or public or private agency responsible for a  
816 person's care or custody and authorized by the department to  
817 diagnose, care for, treat or supervise a child who is the subject of a  
818 record of child abuse or neglect or a public or private agency  
819 responsible for a person's education for a purpose related to the  
820 individual's or agency's responsibilities;

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

823 (6) Individuals or public or private agencies engaged in medical,  
824 psychological or psychiatric diagnosis or treatment of a person  
825 perpetrating the abuse or who is unwilling or unable to protect the  
826 child from abuse or neglect when the commissioner or his designee  
827 determines that the disclosure is needed to accomplish the objectives  
828 of diagnosis or treatment;

829 (7) A person who reports child abuse pursuant to sections 17a-101a

830 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse  
831 involving the subject child, provided the information disclosed is  
832 limited to (A) the status of the investigation and (B) in general terms,  
833 any action taken by the department;

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

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

844 (10) The Department of Social Services, provided the information  
845 disclosed is necessary to promote the health, safety and welfare of the  
846 child;

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

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

852 (13) The Department of Developmental Services, to allow said  
853 department to determine eligibility, facilitate enrollment and plan for  
854 the provision of services to a child, who is a client of said department  
855 but who is not yet participating in said department's voluntary  
856 services program. Records provided pursuant to this subdivision shall  
857 be limited to a written summary of any investigation conducted by the  
858 Department of Children and Families pursuant to section 17a-101g. At  
859 the time that a parent or guardian completes an application for  
860 enrollment of a child in the Department of Developmental Services

861 voluntary services program, said department shall notify such parent  
862 or guardian that records specified in this subdivision may be provided  
863 by the Department of Children and Families to the Department of  
864 Developmental Services without the consent of such parent or  
865 guardian.

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

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

889 (j) Notwithstanding the provisions of subsection (g) of this section,  
890 the name of any individual who cooperates with an investigation of a  
891 report of child abuse or neglect shall be kept confidential upon request  
892 or upon determination by the department that disclosure of such  
893 information may be detrimental to the safety or interests of the

894 individual, except the name of any such individual shall be disclosed  
895 to the persons listed in subsection (i) of this section.

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

901 (l) Information disclosed from a person's record shall not be  
902 disclosed further without the written consent of the person, except if  
903 disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a  
904 party or his counsel pursuant to an order of a court in which a criminal  
905 prosecution or an abuse, neglect, commitment or termination  
906 proceeding against the party is pending. A state's attorney shall  
907 disclose to the defendant or his counsel in a criminal prosecution,  
908 without the necessity of a court order, exculpatory information and  
909 material contained in such record and may disclose, without a court  
910 order, information and material contained in such record which could  
911 be the subject of a disclosure order. All written records disclosed to  
912 another individual or agency shall bear a stamp requiring  
913 confidentiality in accordance with the provisions of this section. Such  
914 material shall not be disclosed to anyone without written consent of  
915 the person or as provided by this section. A copy of the consent form  
916 specifying to whom and for what specific use the record is disclosed or  
917 a statement setting forth any other statutory authorization for  
918 disclosure and the limitations imposed thereon shall accompany such  
919 record. In cases where the disclosure is made orally, the individual  
920 disclosing the information shall inform the recipient that such  
921 information is governed by the provisions of this section.

922 (m) In addition to the right of access provided in section 1-210, any  
923 person, regardless of age, his authorized representative or attorney  
924 shall have the right of access to any records made, maintained or kept  
925 on file by the department, whether or not such records are required by  
926 any law or by any rule or regulation, when those records pertain to or

927 contain information or materials concerning the person seeking access  
928 thereto, including but not limited to records concerning investigations,  
929 reports, or medical, psychological or psychiatric examinations of the  
930 person seeking access thereto, provided that (1) information  
931 identifying an individual who reported abuse or neglect of a person,  
932 including any tape recording of an oral report pursuant to section 17a-  
933 103, shall not be released unless, upon application to the Superior  
934 Court by such person and served on the Commissioner of Children  
935 and Families, a judge determines, after in camera inspection of  
936 relevant records and a hearing, that there is reasonable cause to believe  
937 the reporter knowingly made a false report or that other interests of  
938 justice require such release; and (2) if the commissioner determines  
939 that it would be contrary to the best interests of the person or his  
940 authorized representative or attorney to review the records, he may  
941 refuse access by issuing to such person or representative or attorney a  
942 written statement setting forth the reasons for such refusal, and advise  
943 the person, his authorized representative or attorney of the right to  
944 seek judicial relief. When any person, attorney or authorized  
945 representative, having obtained access to any record, believes there are  
946 factually inaccurate entries or materials contained therein, he shall  
947 have the unqualified right to add a statement to the record setting  
948 forth what he believes to be an accurate statement of those facts, and  
949 said statement shall become a permanent part of said record.

950 (n) (1) Any person, attorney or authorized representative aggrieved  
951 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or  
952 of subsection (m) of this section, except subdivision (2) of said  
953 subsection (m), may seek judicial relief in the same manner as  
954 provided in section 52-146j; (2) any person, attorney or authorized  
955 representative denied access to records by the commissioner under  
956 subdivision (2) of subsection (m) of this section may petition the  
957 superior court for the venue district provided in section 46b-142 in  
958 which the person resides for an order requiring the commissioner to  
959 permit access to those records, and the court after hearing, and an in  
960 camera review of the records in question, shall issue such an order

961 unless it determines that to permit such access would be contrary to  
 962 the best interests of the person or authorized representative.

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

967 Sec. 17. (*Effective from passage*) The Chief Court Administrator shall  
 968 apply for, receive, allocate, disburse and account for grants of funds  
 969 made available by the United States, including, but not limited to,  
 970 funds available pursuant to the federal Violence Against Women Act  
 971 of 1994, 18 USC 2265, for the purpose of funding the electronic  
 972 monitoring pilot program established under subsection (f) of section  
 973 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	<i>October 1, 2010</i>	46b-15(b)
Sec. 2	<i>October 1, 2010</i>	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>from passage</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

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 Dept.	GF - Potential Cost	Up to \$150,000	Up to \$150,000
Pub. Defender Serv. Com.; Comptroller Misc. Accounts (Fringe Benefits); Criminal Justice, Div. <sup>1</sup>	GF - Potential Cost	Up to \$150,000	Up to \$150,000
Judicial Dpt (Probation); Correction, Dept.	GF - Potential 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 (due to terminate March 2011) in federal stimulus funds through the STOP Violence Against Women Act to track 21 high-risk offenders over the course of 12 months.

The bill provides for the Judicial Department to cease operating the bill's pilot program to monitor electronically certain domestic violence offenders once federal stimulus funds for the program have expired in March 2011, if other resources are unavailable to continue the

<sup>1</sup> The estimated non-pension fringe benefit rate as a percentage of payroll is 26.66% which includes health insurance, social security, Medicare, life insurance, and unemployment compensation. Fringe benefit costs for new positions do not include



program.

#### Family Violence Dockets

The bill allows the Judicial Department to establish, within available resources, a family violence docket in 3 additional Geographical Area courts.

Each existing domestic violence docket retains the contracted services of a victim advocate at an annual cost of approximately \$50,000. To the extent that these dockets are established, the Judicial Department could incur a cost of up to \$150,000 annually. One additional state prosecutor and over-time costs for the public defenders would be required if 3 additional dockets are established.

#### 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

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pension costs as new positions will not impact the state's pension contribution until FY 12 after the next scheduled actuarial valuation.

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.

House 'A' reduced the potential expansion of domestic violence dockets from 12 to 3, which reduced the potential cost. It also required the Judicial Department to terminate the pilot program for electronic monitoring if no additional funds are made available upon termination of the federal funds. Since the funds to continue this program (estimated FY 11 cost of \$46,000) are not included in sHB 5018, the Revised FY 11 Budget as favorably reported by the Appropriations Committee, it is anticipated that the program would cease in accordance with the amendment.

### ***The Out Years***

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

**OLR Bill Analysis****sHB 5497 (as amended by House "A")\******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. allows the Judicial Branch to establish 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 orders to standing criminal protective orders 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 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 domestic violence docket in three geographical areas; 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.

\*House Amendment "A" allows, rather than requires the establishment of the electronic monitoring program and adds an end date to the program. It eliminates a provision in the original bill giving the court specific authority to continue a protective order as necessary. It also eliminates the requirement for good cause to be shown in order to issue a protective order during probation. It allows the chief court administrator to establish domestic violence dockets in three geographical areas, rather than all of them; sets deadlines for the designation of the areas and the establishment of the dockets; and requires a report to the Judiciary Committee if she does not establish the dockets. It makes the bill's leave time provisions applicable to employers with three, rather than one, or more employees; eliminates flex-time from the definition of leave; allows the employer to limit the number of days the employee can use under the bill; and specifies that it does not affect leave under other laws. Finally, it specifies that medical or other professionals providing signed statements verifying family violence must be licensed.

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 allows, within available appropriations, 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 it 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's guidelines.

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 court clerk 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. The bill requires the Judicial Branch to end any pilot program it establishes by March 31, 2011, unless resources are available to continue the program.

#### **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.

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.

### **§ 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 — DOMESTIC VIOLENCE DOCKET**

The bill requires the chief court administrator, by December 31, 2010, to identify geographical areas that do not have a domestic violence docket and designate three of those areas for the establishment of new domestic violence dockets. The bill allows her, by June 30, 2011, to establish a domestic violence docket in each of the designated areas, within available resources. If she establishes the dockets, she must examine the effectiveness of existing domestic violence dockets before doing so and incorporate, within available resources, the operational elements of the existing dockets that she deems beneficial to family violence victims. If the chief court administrator does not establish the dockets by June 30, 2011, she must submit a report to the Judiciary Committee explaining why.

The bill defines a domestic violence docket as a docket in a geographical area separate and apart from other criminal matters for the hearing of family violence matters.

### **§§ 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 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 allows an employer to limit unpaid leave taken under the bill's provisions to 12 days per calendar year. However, it specifies that this leave does not affect any other leave provided under state or federal law.

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 three employees. 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 the bill. It also allows the employer to request that the employee provide a (1) police or court record related to the family violence or (2) 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, licensed medical professional, or other licensed 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)

Appropriations Committee

Joint Favorable

Yea 44 Nay 2 (04/19/2010)