



General Assembly

February Session, 2010

Raised Bill No. 5496

LCO No. 2281

02281_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING RESTRAINING ORDERS FOR THE
PROTECTION OF FAMILY VIOLENCE VICTIMS IN THE WORKPLACE.**

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

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) For the purposes of
2 this section:

3 (1) "Course of conduct" means a pattern of conduct consisting of a
4 series of acts over a period of time, however short, evidencing a
5 continuity of purpose, including following or stalking an employee to
6 or from the workplace of the employer, entering the workplace of the
7 employer, following an employee during hours of employment,
8 making telephone calls to an employee at the workplace of the
9 employer or sending correspondence to an employee at the workplace
10 of the employer by any means, including, but not limited to, the use of
11 the United States mail or private delivery service, interoffice mail,
12 facsimile machine or electronic mail.

13 (2) "Credible threat of violence" means a knowing or wilful
14 statement or course of conduct that would place a reasonable person in
15 fear for his or her safety, or the safety of his or her family or household

16 member, and that serves no legitimate purpose. "Credible threat of
17 violence" includes, but is not limited to, a violation of section 53a-61aa
18 or 53a-62 of the general statutes.

19 (3) "Employer" means a person engaged in business who has one or
20 more employees, including the state and any political subdivision of
21 the state.

22 (4) "Employee" means any person engaged in service to an employer
23 in the business of the employer.

24 (5) "Family or household member" has the meaning set forth in
25 section 46b-38a of the general statutes.

26 (6) "Unlawful violence" means (A) any violent crime, (B) a violation
27 of any provision of sections 53a-181c to 53a-181e, inclusive, or 53a-182b
28 or 53a-183 of the general statutes, or (C) acts for which a restraining
29 order, protective order or standing criminal restraining order has been
30 issued. "Unlawful violence" does not include lawful acts of self defense
31 or defense of others.

32 (b) Any employer whose employee has suffered from unlawful
33 violence or a credible threat of violence from any individual that can
34 reasonably be construed to be carried out or to have been carried out at
35 the workplace may seek a restraining order on behalf of the employee
36 and, at the discretion of the court, (1) employees at any workplace of
37 the employer, and (2) animals at any workplace of the employer.

38 (c) The application form shall allow the applicant, at the applicant's
39 option, to indicate whether the respondent holds a permit to carry a
40 pistol or revolver or possesses one or more firearms. The application
41 shall be accompanied by an affidavit made under oath which includes
42 a brief statement of the unlawful violence or credible threat of violence
43 described in subsection (b) of this section and the conditions from
44 which relief is sought. Upon receipt of the application, the court shall
45 order that a hearing on the application be held not later than fourteen

46 days from the date of the order. The court, in its discretion, may make
47 such orders as it deems appropriate for the protection of employees
48 described in the application, including, but not limited to, an order
49 enjoining the respondent from threatening, harassing, assaulting,
50 molesting, sexually assaulting, attacking or contacting the applicant at
51 the workplace of the employer or entering the workplace of the
52 employer. The court, in its discretion, may make such orders as it
53 deems appropriate for the protection of animals described in the
54 application, including, but not limited to, an order enjoining the
55 respondent from injuring or threatening to injure such animals.

56 (d) If an employer alleges an immediate and present physical
57 danger to employees of the employer or animals at the workplace of
58 the employer, the court may issue an ex parte order granting such
59 relief as it deems appropriate. If a postponement of a hearing on the
60 application is requested by either party and granted, the order shall
61 not be continued except upon agreement of the parties or by order of
62 the court for good cause shown.

63 (e) Each order of the court made in accordance with this section
64 shall contain the following language: "This order may be extended by
65 the court beyond six months. In accordance with section 53a-107 of the
66 general statutes, entering or remaining in a building or any other
67 premises in violation of this order constitutes criminal trespass in the
68 first degree. This is a criminal offense punishable by a term of
69 imprisonment of not more than one year, a fine of not more than two
70 thousand dollars, or both."

71 (f) No order of the court shall exceed six months, except that an
72 order may be extended by the court upon motion of the applicant for
73 such additional time as the court deems necessary. If the respondent
74 has not appeared upon the initial application, service of a motion to
75 extend an order may be made by first-class mail directed to the
76 respondent at his or her last known address.

77 (g) An employer who files an application under this section shall

78 cause notice of the hearing pursuant to subsection (c) of this section
79 and a copy of the application and the employer's affidavit and of any
80 ex parte order issued pursuant to subsection (d) of this section to be
81 served on the respondent not less than five days before the hearing.
82 The cost of such service shall be paid for by the Judicial Branch. Upon
83 the granting of an ex parte order, the clerk of the court shall provide
84 two certified copies of the order to the employer. Upon the granting of
85 an order after notice and hearing, the clerk of the court shall provide
86 two certified copies of the order to the employer and a copy to the
87 respondent. Each order of the court made in accordance with this
88 section after notice and hearing shall contain the following language:
89 "This court had jurisdiction over the parties and the subject matter
90 when it issued this protection order. Respondent was afforded both
91 notice and opportunity to be heard in the hearing that gave rise to this
92 order." Immediately after making service on the respondent, the
93 proper officer shall send or cause to be sent, by facsimile or other
94 means, a copy of the application, or the information contained in such
95 application, stating the date and time the respondent was served, to
96 the law enforcement agency or agencies for the town in which the
97 workplace of the employer is located and the town in which the
98 respondent resides. The clerk of the court shall send, by facsimile or
99 other means, a copy of any ex parte order and of any order after notice
100 and hearing, or the information contained in any such order, to the law
101 enforcement agency or agencies for the town in which the workplace
102 of the employer is located and the town in which the respondent
103 resides not later than forty-eight hours after the issuance of such order.

104 (h) When a motion for contempt is filed for violation of a restraining
105 order issued under this section, there shall be an expedited hearing.
106 Such hearing shall be held within five court days of service of the
107 motion on the respondent, provided service on the respondent is made
108 not less than twenty-four hours before the hearing. If the court finds
109 the respondent in contempt for violation of such order, the court may
110 impose such sanctions as the court deems appropriate.

111 (i) An action under this section shall not preclude an employer or
112 employee from seeking any other civil or criminal relief.

113 (j) Nothing in this section shall be construed as expanding,
114 diminishing, altering or modifying the duty, if any, of an employer to
115 provide a safe workplace for employees and other persons or animals.

116 (k) Nothing in this section shall be construed to permit a court to
117 issue a restraining order or otherwise enjoin speech or other activities
118 that are protected by law, including, but not limited to, lawful
119 demonstrations related to a labor dispute.

120 Sec. 2. Subsection (b) of section 29-36n of the general statutes is
121 repealed and the following is substituted in lieu thereof (*Effective*
122 *October 1, 2010*):

123 (b) The Commissioner of Public Safety, in conjunction with the
124 Chief State's Attorney and the Connecticut Police Chiefs Association,
125 shall update the protocol developed pursuant to subsection (a) of this
126 section to reflect the provisions of sections 29-7h, 29-28, 29-28a, 29-29,
127 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15,
128 subsections (c) and (d) of section 46b-38c, as amended by this act, and
129 sections 53-202a, 53-202l, 53-202m and 53a-217 and section 1 of this act
130 and shall include in such protocol specific instructions for the transfer
131 of pistols and revolvers when the assistance of more than one law
132 enforcement agency is necessary to effect the requirements of section
133 29-36k.

134 Sec. 3. Section 46b-1 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective October 1, 2010*):

136 Matters within the jurisdiction of the Superior Court deemed to be
137 family relations matters shall be matters affecting or involving: (1)
138 Dissolution of marriage, contested and uncontested, except dissolution
139 upon conviction of crime as provided in section 46b-47; (2) legal
140 separation; (3) annulment of marriage; (4) alimony, support, custody

141 and change of name incident to dissolution of marriage, legal
142 separation and annulment; (5) actions brought under section 46b-15 or
143 section 1 of this act; (6) complaints for change of name; (7) civil support
144 obligations; (8) habeas corpus and other proceedings to determine the
145 custody and visitation of children; (9) habeas corpus brought by or on
146 behalf of any mentally ill person except a person charged with a
147 criminal offense; (10) appointment of a commission to inquire whether
148 a person is wrongfully confined as provided by section 17a-523; (11)
149 juvenile matters as provided in section 46b-121; (12) all rights and
150 remedies provided for in chapter 815j; (13) the establishing of
151 paternity; (14) appeals from probate concerning: (A) Adoption or
152 termination of parental rights; (B) appointment and removal of
153 guardians; (C) custody of a minor child; (D) appointment and removal
154 of conservators; (E) orders for custody of any child; and (F) orders of
155 commitment of persons to public and private institutions and to other
156 appropriate facilities as provided by statute; (15) actions related to
157 prenuptial and separation agreements and to matrimonial decrees of a
158 foreign jurisdiction; (16) custody proceeding brought under the
159 provisions of chapter 815p; and (17) all such other matters within the
160 jurisdiction of the Superior Court concerning children or family
161 relations as may be determined by the judges of said court.

162 Sec. 4. Subsection (e) of section 46b-38b of the 2010 supplement to
163 the general statutes, as amended by section 64 of public act 09-7 of the
164 September special session, is repealed and the following is substituted
165 in lieu thereof (*Effective October 1, 2010*):

166 (e) (1) Each law enforcement agency shall develop, in conjunction
167 with the Division of Criminal Justice, and implement specific
168 operational guidelines for arrest policies in family violence incidents.
169 Such guidelines shall include, but not be limited to: (A) Procedures for
170 the conduct of a criminal investigation; (B) procedures for arrest and
171 for victim assistance by peace officers; (C) education as to what
172 constitutes speedy information in a family violence incident; (D)
173 procedures with respect to the provision of services to victims; and (E)

174 such other criteria or guidelines as may be applicable to carry out the
175 purposes of sections 46b-1, as amended by this act, 46b-15, 46b-38a to
176 46b-38f, inclusive, as amended by this act, and 54-1g and section 1 of
177 this act. Such procedures shall be duly promulgated by such law
178 enforcement agency.

179 (2) On and after July 1, 2010, each law enforcement agency shall
180 designate at least one officer with supervisory duties to expeditiously
181 process, upon request of a victim of family violence or other crime who
182 is applying for U Nonimmigrant Status (A) a certification of
183 helpfulness on Form I-918, Supplement B, or any subsequent
184 corresponding form designated by the United States Department of
185 Homeland Security, confirming that the victim of family violence or
186 other crime has been helpful, is being helpful, or is likely to be helpful
187 in the investigation or prosecution of the criminal activity, and (B) any
188 subsequent certification required by the victim.

189 Sec. 5. Section 46b-38c of the 2010 supplement to the general
190 statutes, as amended by section 65 of public act 09-7 of the September
191 special session, is repealed and the following is substituted in lieu
192 thereof (*Effective October 1, 2010*):

193 (a) There shall be family violence response and intervention units in
194 the Connecticut judicial system to respond to cases involving family
195 violence. The units shall be coordinated and governed by formal
196 agreement between the Chief State's Attorney and the Judicial
197 Department.

198 (b) The Court Support Services Division, in accordance with the
199 agreement between the Chief State's Attorney and the Judicial
200 Department, shall establish within each geographical area of the
201 Superior Court a local family violence intervention unit to implement
202 sections 46b-1, as amended by this act, 46b-15, 46b-38a to 46b-38f,
203 inclusive, as amended by this act, and 54-1g and section 1 of this act.
204 The Court Support Services Division shall oversee direct operations of
205 the local units.

206 (c) Each such local family violence intervention unit shall: (1) Accept
207 referrals of family violence cases from a judge or prosecutor, (2)
208 prepare written or oral reports on each case for the court by the next
209 court date to be presented at any time during the court session on that
210 date, (3) provide or arrange for services to victims and offenders, (4)
211 administer contracts to carry out such services, and (5) establish
212 centralized reporting procedures. All information provided to a family
213 relations officer in a local family violence intervention unit shall be
214 solely for the purposes of preparation of the report and the protective
215 order forms for each case and recommendation of services and shall
216 otherwise be confidential and retained in the files of such unit and not
217 be subject to subpoena or other court process for use in any other
218 proceeding or for any other purpose, except that if the victim has
219 indicated that the defendant holds a permit to carry a pistol or revolver
220 or possesses one or more firearms, the family relations officer shall
221 disclose such information to the court and the prosecuting authority
222 for appropriate action.

223 (d) In all cases of family violence, a written or oral report and
224 recommendation of the local family violence intervention unit shall be
225 available to a judge at the first court date appearance to be presented at
226 any time during the court session on that date. A judge of the Superior
227 Court may consider and impose the following conditions to protect the
228 parties, including, but not limited to: (1) Issuance of a protective order
229 pursuant to subsection (e) of this section; (2) prohibition against
230 subjecting the victim to further violence; (3) referral to a family
231 violence education program for batterers; and (4) immediate referral
232 for more extensive case assessment. Such protective order shall be an
233 order of the court, and the clerk of the court shall cause (A) a certified
234 copy of such order to be sent to the victim, and (B) a copy of such
235 order, or the information contained in such order, to be sent by
236 facsimile or other means within forty-eight hours of its issuance to the
237 law enforcement agency for the town in which the victim resides and,
238 if the defendant resides in a town different from the town in which the
239 victim resides, to the law enforcement agency for the town in which

240 the defendant resides. If the victim is employed in a town different
241 from the town in which the victim resides, the clerk of the court shall,
242 upon the request of the victim, send, by facsimile or other means, a
243 copy of such order, or the information contained in such order, to the
244 law enforcement agency for the town in which the victim is employed
245 within forty-eight hours of the issuance of such order.

246 (e) A protective order issued under this section may include
247 provisions necessary to protect the victim from threats, harassment,
248 injury or intimidation by the defendant, including, but not limited to,
249 an order enjoining the defendant from (1) imposing any restraint upon
250 the person or liberty of the victim, (2) threatening, harassing,
251 assaulting, molesting or sexually assaulting the victim, or (3) entering
252 the family dwelling or the dwelling of the victim. A protective order
253 issued under this section may include provisions necessary to protect
254 any animal owned or kept by the victim including, but not limited to,
255 an order enjoining the defendant from injuring or threatening to injure
256 such animal. Such order shall be made a condition of the bail or release
257 of the defendant and shall contain the following language: "In
258 accordance with section 53a-223 of the Connecticut general statutes,
259 any violation of this order constitutes criminal violation of a protective
260 order which is punishable by a term of imprisonment of not more than
261 five years, a fine of not more than five thousand dollars, or both.
262 Additionally, in accordance with section 53a-107, as amended by this
263 act, of the Connecticut general statutes, entering or remaining in a
264 building or any other premises in violation of this order constitutes
265 criminal trespass in the first degree which is punishable by a term of
266 imprisonment of not more than one year, a fine of not more than two
267 thousand dollars, or both. Violation of this order also violates a
268 condition of your bail or release, and may result in raising the amount
269 of bail or revoking release." Every order of the court made in
270 accordance with this section after notice and hearing shall also contain
271 the following language: "This court had jurisdiction over the parties
272 and the subject matter when it issued this protection order.
273 Respondent was afforded both notice and opportunity to be heard in

274 the hearing that gave rise to this order. Pursuant to the Violence
275 Against Women Act of 1994, 18 USC 2265, this order is valid and
276 enforceable in all fifty states, any territory or possession of the United
277 States, the District of Columbia, the Commonwealth of Puerto Rico
278 and tribal lands." The information contained in and concerning the
279 issuance of any protective order issued under this section shall be
280 entered in the registry of protective orders pursuant to section 51-5c, as
281 amended by this act.

282 (f) In cases referred to the local family violence intervention unit, it
283 shall be the function of the unit to (1) identify victim service needs and,
284 by contract with victim service providers, make available appropriate
285 services and (2) identify appropriate offender services and where
286 possible, by contract, provide treatment programs for offenders.

287 (g) There shall be a pretrial family violence education program for
288 persons who are charged with family violence crimes. At a minimum,
289 such program shall inform participants of the basic elements of family
290 violence law and applicable penalties. The court may, in its discretion,
291 invoke such program on motion of the defendant when it finds: (1)
292 That the defendant has not previously been convicted of a family
293 violence crime which occurred on or after October 1, 1986; (2) the
294 defendant has not had a previous case assigned to the family violence
295 education program; (3) the defendant has not previously invoked or
296 accepted accelerated rehabilitation under section 54-56e for a family
297 violence crime which occurred on or after October 1, 1986; and (4) that
298 the defendant is not charged with a class A, class B or class C felony, or
299 an unclassified felony carrying a term of imprisonment of more than
300 ten years, or unless good cause is shown, a class D felony or an
301 unclassified offense carrying a term of imprisonment of more than five
302 years. Participation by any person in the accelerated pretrial
303 rehabilitation program under section 54-56e prior to October 1, 1986,
304 shall not prohibit eligibility of such person for the pretrial family
305 violence education program under this section. The court may require
306 that the defendant answer such questions under oath, in open court or

307 before any person designated by the clerk and duly authorized to
308 administer oaths, under the penalties of perjury as will assist the court
309 in making these findings. The court, on such motion, may refer the
310 defendant to the family violence intervention unit, and may continue
311 the defendant's case pending the submission of the report of the unit to
312 the court. The court shall also give notice to the victim or victims that
313 the defendant has requested assignment to the family violence
314 education program, and, where possible, give the victim or victims
315 opportunity to be heard. Any defendant who accepts placement in the
316 family violence education program shall agree to the tolling of any
317 statute of limitations with respect to the crime or crimes with which
318 the defendant is charged, and to a waiver of the defendant's right to a
319 speedy trial. Any such defendant shall appear in court and shall be
320 released to the custody of the family violence intervention unit for
321 such period, not exceeding two years, and under such conditions as
322 the court shall order. If the defendant refuses to accept, or, having
323 accepted, violates such conditions, the defendant's case shall be
324 brought to trial. If the defendant satisfactorily completes the family
325 violence education program and complies with the conditions imposed
326 for the period set by the court, the defendant may apply for dismissal
327 of the charges against the defendant and the court, on finding
328 satisfactory compliance, shall dismiss such charges. Upon dismissal all
329 records of such charges shall be erased pursuant to section 54-142a.

330 (h) A fee of two hundred dollars shall be paid to the court by any
331 person who enters the family violence education program, except that
332 no person shall be excluded from such program for inability to pay the
333 fee, provided (1) the person files with the court an affidavit of
334 indigency or inability to pay and (2) the court enters a finding thereof.
335 All such fees shall be credited to the General Fund.

336 (i) The Judicial Department shall establish an ongoing training
337 program for judges, Court Support Services Division personnel and
338 clerks to inform them about the policies and procedures of sections
339 46b-1, as amended by this act, 46b-15, 46b-38a to 46b-38f, inclusive, as

340 amended by this act, and 54-1g and section 1 of this act, including, but
341 not limited to, the function of the family violence intervention units
342 and the use of restraining and protective orders.

343 Sec. 6. Subsection (a) of section 46b-69b of the general statutes is
344 repealed and the following is substituted in lieu thereof (*Effective*
345 *October 1, 2010*):

346 (a) The Judicial Department shall establish a parenting education
347 program for parties involved in any action before the Superior Court
348 under section 46b-1, as amended by this act, except actions brought
349 under section 46b-15, section 1 of this act and chapter 815t. For the
350 purposes of this section, "parenting education program" means a
351 course designed by the Judicial Department to educate persons,
352 including unmarried parents, on the impact on children of the
353 restructuring of families. The course shall include, but not be limited
354 to, information on the developmental stages of children, adjustment of
355 children to parental separation, dispute resolution and conflict
356 management, guidelines for visitation, stress reduction in children and
357 cooperative parenting.

358 Sec. 7. Subsection (a) of section 51-5c of the general statutes is
359 repealed and the following is substituted in lieu thereof (*Effective*
360 *October 1, 2010*):

361 (a) The Chief Court Administrator shall establish and maintain an
362 automated registry of protective orders that shall contain (1) protective
363 or restraining orders issued by courts of this state, including, but not
364 limited to, orders issued pursuant to sections 46b-15, 46b-38c, as
365 amended by this act, 53a-40e, 54-1k, 54-82q and 54-82r and section 1 of
366 this act, and (2) foreign orders of protection that have been registered
367 in this state pursuant to section 46b-15a. The registry shall clearly
368 indicate the date of commencement, the termination date, if specified,
369 and the duration of any order contained therein. The Chief Court
370 Administrator shall adopt policies and procedures for the operation of
371 the registry.

372 Sec. 8. Subsection (a) of section 52-259 of the 2010 supplement to the
373 general statutes is repealed and the following is substituted in lieu
374 thereof (*Effective October 1, 2010*):

375 (a) There shall be paid to the clerks for entering each appeal or writ
376 of error to the Supreme Court, or entering each appeal to the Appellate
377 Court, as the case may be, two hundred fifty dollars, and for each civil
378 cause in the Superior Court, three hundred dollars, except (1) one
379 hundred seventy-five dollars for entering each case in the Superior
380 Court in which the sole claim for relief is damages and the amount,
381 legal interest or property in demand is less than two thousand five
382 hundred dollars and for summary process, landlord and tenant and
383 paternity actions, and (2) there shall be no entry fee for making an
384 application to the Superior Court for relief under section 46b-15 or
385 section 1 of this act or for making an application to modify or extend
386 an order issued pursuant to section 46b-15 or section 1 of this act. If the
387 amount, legal interest or property in demand by the plaintiff is alleged
388 to be less than two thousand five hundred dollars, a new entry fee of
389 seventy-five dollars shall be charged if the plaintiff amends his or her
390 complaint to state that such demand is not less than two thousand five
391 hundred dollars.

392 Sec. 9. Subsection (a) of section 52-259c of the 2010 supplement to
393 the general statutes is repealed and the following is substituted in lieu
394 thereof (*Effective October 1, 2010*):

395 (a) There shall be paid to the clerk of the Superior Court upon the
396 filing of any motion to open, set aside, modify or extend any civil
397 judgment rendered in Superior Court a fee of seventy-five dollars for
398 any housing matter, a fee of seventy-five dollars for any small claims
399 matter and a fee of one hundred twenty-five dollars for any other
400 matter, except no fee shall be paid upon the filing of any motion to
401 open, set aside, modify or extend judgments in juvenile matters or
402 orders issued pursuant to section 46b-15 or section 1 of this act or upon
403 the filing of any motion pursuant to subsection (b) of section 46b-63.

404 Such fee may be waived by the court.

405 Sec. 10. Section 53a-107 of the general statutes is repealed and the
406 following is substituted in lieu thereof (*Effective October 1, 2010*):

407 (a) A person is guilty of criminal trespass in the first degree when:
408 (1) Knowing that such person is not licensed or privileged to do so,
409 such person enters or remains in a building or any other premises after
410 an order to leave or not to enter personally communicated to such
411 person by the owner of the premises or other authorized person; or (2)
412 such person enters or remains in a building or any other premises in
413 violation of a restraining order issued pursuant to section 46b-15 or
414 section 1 of this act or a protective order issued pursuant to section
415 46b-38c, as amended by this act, 54-1k or 54-82r by the Superior Court;
416 or (3) such person enters or remains in a building or any other
417 premises in violation of a foreign order of protection, as defined in
418 section 46b-15a, that has been issued against such person in a case
419 involving the use, attempted use or threatened use of physical force
420 against another person; or (4) knowing that such person is not licensed
421 or privileged to do so, such person enters or remains on public land
422 after an order to leave or not to enter personally communicated to such
423 person by an authorized official of the state or a municipality, as the
424 case may be.

425 (b) Criminal trespass in the first degree is a class A misdemeanor.

426 Sec. 11. Section 53a-223b of the general statutes is repealed and the
427 following is substituted in lieu thereof (*Effective October 1, 2010*):

428 (a) A person is guilty of criminal violation of a restraining order
429 when (1) (A) a restraining order has been issued against such person
430 pursuant to section 46b-15 or section 1 of this act, or (B) a foreign order
431 of protection, as defined in section 46b-15a, has been issued against
432 such person in a case involving the use, attempted use or threatened
433 use of physical force against another, and (2) such person, having
434 knowledge of the terms of the order, (A) does not stay away from a

435 person or place in violation of the order, (B) contacts a person in
436 violation of the order, (C) imposes any restraint upon the person or
437 liberty of a person in violation of the order, or (D) threatens, harasses,
438 assaults, molests, sexually assaults or attacks a person in violation of
439 the order.

440 (b) Criminal violation of a restraining order is a class D felony.

441 Sec. 12. Section 54-85b of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective October 1, 2010*):

443 (a) An employer shall not deprive an employee of employment,
444 penalize or threaten or otherwise coerce an employee with respect
445 thereto, because (1) the employee obeys a legal subpoena to appear
446 before any court of this state as a witness in any criminal proceeding,
447 (2) the employee attends a court proceeding or participates in a police
448 investigation related to a criminal case in which the employee is a
449 crime victim, (3) a restraining order has been issued on the employee's
450 behalf pursuant to section 46b-15 or section 1 of this act, or (4) a
451 protective order has been issued on the employee's behalf by a court of
452 this state or by a court of another state, provided if issued by a court of
453 another state, the protective order shall be registered in this state
454 pursuant to section 46b-15a. For purposes of this section, "crime
455 victim" means an employee who suffers direct or threatened physical,
456 emotional or financial harm as a result of a crime or an employee who
457 is an immediate family member or guardian of (A) a person who
458 suffers such harm and is a minor, physically disabled, as defined in
459 section 46a-51, or incompetent, or (B) a homicide victim.

460 (b) Any employer who violates subdivision (1) of subsection (a) of
461 this section shall be guilty of criminal contempt and shall be fined not
462 more than five hundred dollars or imprisoned not more than thirty
463 days or both.

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

466 employee, not later than ninety days from the occurrence of such
 467 action, may bring a civil action for damages and for an order requiring
 468 the employee's reinstatement or otherwise rescinding such action. If
 469 the employee prevails, the employee shall be allowed a reasonable
 470 attorney's fee to be fixed by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	29-36n(b)
Sec. 3	<i>October 1, 2010</i>	46b-1
Sec. 4	<i>October 1, 2010</i>	46b-38b(e)
Sec. 5	<i>October 1, 2010</i>	46b-38c
Sec. 6	<i>October 1, 2010</i>	46b-69b(a)
Sec. 7	<i>October 1, 2010</i>	51-5c(a)
Sec. 8	<i>October 1, 2010</i>	52-259(a)
Sec. 9	<i>October 1, 2010</i>	52-259c(a)
Sec. 10	<i>October 1, 2010</i>	53a-107
Sec. 11	<i>October 1, 2010</i>	53a-223b
Sec. 12	<i>October 1, 2010</i>	54-85b

Statement of Purpose:

To permit employers to seek restraining orders to protect employees from threats or violence at the workplace of the employer.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]