



General Assembly

February Session, 2010

Raised Bill No. 5497

LCO No. 2296

02296_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective*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 order,
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] may
18 include a requirement that the respondent be subject to electronic
19 monitoring designed to warn the applicant when the respondent is
20 within a specified distance of the applicant, if the court finds that such
21 electronic monitoring is necessary to protect the applicant, provided
22 the cost of such electronic monitoring is paid by the respondent who is
23 subject to such electronic monitoring. Such relief may include, but is
24 not limited to, an order enjoining the respondent from (1) imposing
25 any restraint upon the person or liberty of the applicant; (2)
26 threatening, harassing, assaulting, molesting, sexually assaulting or
27 attacking the applicant; or (3) entering the family dwelling or the
28 dwelling of the applicant. The court, in its discretion, may make such
29 orders as it deems appropriate for the protection of any animal owned
30 or kept by the applicant including, but not limited to, an order
31 enjoining the respondent from injuring or threatening to injure such
32 animal. If an applicant alleges an immediate and present physical
33 danger to the applicant, the court may issue an ex parte order granting
34 such relief as it deems appropriate. If a postponement of a hearing on
35 the application is requested by either party and granted, the order
36 shall not be continued except upon agreement of the parties or by
37 order of the court for good cause shown.

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39 repealed and the following is substituted in lieu thereof (*Effective*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

41 (e) The applicant shall cause notice of the hearing pursuant to
42 subsection (b) of this section and a copy of the application and the
43 applicant's affidavit and of any ex parte order issued pursuant to
44 subsection (b) of this section to be served on the respondent not less
45 than five days before the hearing. The cost of such service shall be paid
46 for by the Judicial Branch. Upon the granting of an ex parte order, the
47 clerk of the court shall provide two [certified] copies of the order to the
48 applicant. Upon the granting of an order after notice and hearing, the

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

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

79 (a) There shall be family violence response and intervention units in
80 the Connecticut judicial system to respond to cases involving family
81 violence. The units shall be coordinated and governed by formal

82 agreement between the Chief State's Attorney and the Judicial
83 Department.

84 (b) The Court Support Services Division, in accordance with the
85 agreement between the Chief State's Attorney and the Judicial
86 Department, shall establish within each geographical area of the
87 Superior Court a local family violence intervention unit to implement
88 sections 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f,
89 inclusive, and 54-1g. The Court Support Services Division shall oversee
90 direct operations of the local units.

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

108 (A) Shall disclose to the court and the prosecuting authority for
109 appropriate action information that the victim has indicated that the
110 defendant holds a permit to carry a pistol or revolver or possesses one
111 or more firearms; [, the family relations officer shall disclose such
112 information to the court and the prosecuting authority for appropriate
113 action]

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

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

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

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

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

133 (d) In all cases of family violence, a written or oral report and
134 recommendation of the local family violence intervention unit shall be
135 available to a judge at the first court date appearance to be presented at
136 any time during the court session on that date. A judge of the Superior
137 Court may consider and impose the following conditions to protect the
138 parties, including, but not limited to: (1) Issuance of a protective order
139 pursuant to subsection (e) of this section; (2) prohibition against
140 subjecting the victim to further violence; (3) referral to a family
141 violence education program for batterers; and (4) immediate referral
142 for more extensive case assessment. Such protective order shall be an
143 order of the court, and the clerk of the court shall cause (A) a [certified]
144 copy of such order to be sent to the victim, and (B) a copy of such

145 order, or the information contained in such order, to be sent by
146 facsimile or other means within forty-eight hours of its issuance to the
147 law enforcement agency for the town in which the victim resides and,
148 if the defendant resides in a town different from the town in which the
149 victim resides, to the law enforcement agency for the town in which
150 the defendant resides. If the victim is employed in a town different
151 from the town in which the victim resides, the clerk of the court shall,
152 upon the request of the victim, send, by facsimile or other means, a
153 copy of such order, or the information contained in such order, to the
154 law enforcement agency for the town in which the victim is employed
155 within forty-eight hours of the issuance of such order.

156 (e) A protective order issued under this section may include
157 provisions necessary to protect the victim from threats, harassment,
158 injury or intimidation by the defendant, including, but not limited to,
159 an order enjoining the defendant from (1) imposing any restraint upon
160 the person or liberty of the victim, (2) threatening, harassing,
161 assaulting, molesting or sexually assaulting the victim, or (3) entering
162 the family dwelling or the dwelling of the victim. A protective order
163 issued under this section may include provisions necessary to protect
164 any animal owned or kept by the victim including, but not limited to,
165 an order enjoining the defendant from injuring or threatening to injure
166 such animal. Such order shall be made a condition of the bail or release
167 of the defendant and shall contain the following language: "In
168 accordance with section 53a-223 of the Connecticut general statutes,
169 any violation of this order constitutes criminal violation of a protective
170 order which is punishable by a term of imprisonment of not more than
171 five years, a fine of not more than five thousand dollars, or both.
172 Additionally, in accordance with section 53a-107 of the Connecticut
173 general statutes, entering or remaining in a building or any other
174 premises in violation of this order constitutes criminal trespass in the
175 first degree which is punishable by a term of imprisonment of not
176 more than one year, a fine of not more than two thousand dollars, or
177 both. Violation of this order also violates a condition of your bail or
178 release, and may result in raising the amount of bail or revoking

179 release." Every order of the court made in accordance with this section
180 after notice and hearing shall also contain the following language:
181 ["This court had jurisdiction over the parties and the subject matter
182 when it issued this protection order. Respondent was afforded both
183 notice and opportunity to be heard in the hearing that gave rise to this
184 order. Pursuant to the Violence Against Women Act of 1994, 18 USC
185 2265, this order is valid and enforceable in all fifty states, any territory
186 or possession of the United States, the District of Columbia, the
187 Commonwealth of Puerto Rico and tribal lands."] "This order is
188 accorded full faith and credit pursuant to 18 USC Section 2265, as
189 amended from time to time." The information contained in and
190 concerning the issuance of any protective order issued under this
191 section shall be entered in the registry of protective orders pursuant to
192 section 51-5c, as amended by this act.

193 (f) The court may order that any person who has been charged with
194 violation of a restraining order or a protective order, and who has been
195 determined to be a high-risk offender by the family violence
196 intervention unit, be subject to electronic monitoring designed to warn
197 the victim when the person is within a specified distance of the victim,
198 if the court finds that such electronic monitoring is necessary to protect
199 the victim, provided the cost of such electronic monitoring is paid by
200 the person who is subject to such electronic monitoring. If the court
201 order that such person be subject to electronic monitoring, the clerk of
202 the court shall send, by facsimile or other means, a copy of the order,
203 or the information contained in any such order, to the law enforcement
204 agency or agencies for the town in which the person resides.

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

211 [(g)] (h) There shall be a pretrial family violence education program
212 for persons who are charged with family violence crimes. At a
213 minimum, such program shall inform participants of the basic
214 elements of family violence law and applicable penalties. The court
215 may, in its discretion, invoke such program on motion of the
216 defendant when it finds: (1) That the defendant has not previously
217 been convicted of a family violence crime which occurred on or after
218 October 1, 1986; (2) the defendant has not had a previous case assigned
219 to the family violence education program; (3) the defendant has not
220 previously invoked or accepted accelerated rehabilitation under
221 section 54-56e for a family violence crime which occurred on or after
222 October 1, 1986; and (4) that the defendant is not charged with a class
223 A, class B or class C felony, or a violation of subdivision (1) of
224 subsection (a) of section 53a-62 or an unclassified felony carrying a
225 term of imprisonment of more than ten years, or unless good cause is
226 shown, a class D felony or an unclassified offense carrying a term of
227 imprisonment of more than five years. Participation by any person in
228 the accelerated pretrial rehabilitation program under section 54-56e
229 prior to October 1, 1986, shall not prohibit eligibility of such person for
230 the pretrial family violence education program under this section. The
231 court may require that the defendant answer such questions under
232 oath, in open court or before any person designated by the clerk and
233 duly authorized to administer oaths, under the penalties of perjury as
234 will assist the court in making these findings. The court, on such
235 motion, may refer the defendant to the family violence intervention
236 unit, and may continue the defendant's case pending the submission of
237 the report of the unit to the court. The court shall also give notice to the
238 victim or victims that the defendant has requested assignment to the
239 family violence education program, and, where possible, give the
240 victim or victims opportunity to be heard. Any defendant who accepts
241 placement in the family violence education program shall agree to the
242 tolling of any statute of limitations with respect to the crime or crimes
243 with which the defendant is charged, and to a waiver of the
244 defendant's right to a speedy trial. Any such defendant shall appear in

245 court and shall be released to the custody of the family violence
246 intervention unit for such period, not exceeding two years, and under
247 such conditions as the court shall order. If the defendant refuses to
248 accept, or, having accepted, violates such conditions, the defendant's
249 case shall be brought to trial. If the defendant satisfactorily completes
250 the family violence education program and complies with the
251 conditions imposed for the period set by the court, the defendant may
252 apply for dismissal of the charges against the defendant and the court,
253 on finding satisfactory compliance, shall dismiss such charges. Upon
254 dismissal all records of such charges shall be erased pursuant to
255 section 54-142a.

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

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

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

270 (a) The Chief Court Administrator shall establish and maintain an
271 automated registry of protective orders that shall contain (1) protective
272 or restraining orders issued by courts of this state, including, but not
273 limited to, orders issued pursuant to sections 46b-15, as amended by
274 this act, 46b-38c, as amended by this act, 53a-40e, as amended by this
275 act, 54-1k, as amended by this act, 54-82q and 54-82r, and (2) foreign
276 orders of protection that have been registered in this state pursuant to

277 section 46b-15a. The registry shall clearly indicate the date of
278 commencement, the termination date, if specified, and the duration of
279 any order contained therein. The Chief Court Administrator shall
280 adopt policies and procedures for the operation of the registry, which
281 shall include policies and procedures governing the disclosure of
282 information in the registry to the judges of the Superior Court and
283 employees of the Judicial Department.

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

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

309 (3) Except as provided in subsection (c) of this section, the
310 information contained in the registry shall be provided to and may be
311 accessed through the Connecticut on-line law enforcement
312 communications teleprocessing system maintained by the Department
313 of Public Safety. Nothing in this section shall be construed to permit
314 public access to the Connecticut on-line law enforcement
315 communications teleprocessing system.

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

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

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

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

341 (a) If any person is convicted of (1) a violation of section 53a-59, 53a-
342 59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-71,
343 53a-72a, 53a-72b, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183, 53a-
344 223, 53a-223a, as amended by this act, or 53a-223b or attempt or
345 conspiracy to violate any of said sections or section 53a-54a, against a
346 family or household member, as defined in section 46b-38a, or (2) any
347 crime that the court determines constitutes a family violence crime, as
348 defined in section 46b-38a, or attempt or conspiracy to commit any
349 such crime, the court may, in addition to imposing the sentence
350 authorized for the crime under section 53a-35a or 53a-36, if the court is
351 of the opinion that the history and character and the nature and
352 circumstances of the criminal conduct of such offender indicate that a
353 standing criminal [restraining] protective order will best serve the
354 interest of the victim and the public, issue a standing criminal
355 [restraining] protective order which shall remain in effect for a
356 duration specified by the court until modified or revoked by the court
357 for good cause shown. If any person is convicted of any crime against a
358 family or household member, as defined in section 46b-38a, other than
359 a crime specified in subdivision (1) or (2) of this subsection, the court
360 may, for good cause shown, issue a standing criminal [restraining]
361 protective order pursuant to this subsection.

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

370 [(c) Every standing criminal restraining order of the court made in
371 accordance with this section shall contain the following language:
372 "This order shall remain in effect until modified or revoked by the
373 court for good cause shown. In accordance with section 53a-223a,

374 violation of a standing criminal restraining order issued by the court
375 pursuant to subsection (a) of this section shall be punishable by a term
376 of imprisonment of not less than one year nor more than five years, a
377 fine of not more than five thousand dollars or both."]

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

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

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

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

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

393 (a) Upon the arrest of a person for a violation of subdivision (1) or
394 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
395 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
396 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
397 pursuant to this section. Upon the arrest of a person for a violation of
398 section 53a-182b or 53a-183, the court may issue a protective order
399 pursuant to this section if it finds that such violation caused the victim
400 to reasonably fear for his or her physical safety. Such order shall be an
401 order of the court, and the clerk of the court shall cause (1) a [certified]
402 copy of such order or the information contained in such order to be
403 sent to the victim, and (2) a copy of such order, or the information

404 contained in such order, to be sent by facsimile or other means within
405 forty-eight hours of its issuance to the [appropriate law enforcement
406 agency] law enforcement agency or agencies for the town in which the
407 victim resides, the town in which the victim is employed and the town
408 in which the defendant resides.

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

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

437 Sec. 8. Subsection (c) of section 17b-90 of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective*
439 *October 1, 2010*):

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

449 Sec. 9. Section 18-81m of the general statutes is repealed and the
450 following is substituted in lieu thereof (*Effective October 1, 2010*):

451 When any person against whom a standing criminal [restraining]
452 protective order has been issued pursuant to subsection (a) of section
453 53a-40e, as amended by this act, is released from confinement in a
454 correctional institution, the Commissioner of Correction shall notify
455 such person of the existence of the standing criminal [restraining]
456 protective order against him, the terms of the order and the penalty for
457 violation of the order and the commissioner shall provide such person
458 with a copy of the order. If such person is released on parole or
459 probation, the parole or probation officer shall, at the end of such term
460 of parole or probation, remind such person of the existence of the
461 standing criminal [restraining] protective order against him, the terms
462 of the order and the penalty for violation of the order and the parole or
463 probation officer shall provide such person with a copy of the order.

464 Sec. 10. Section 46b-15c of the general statutes is repealed and the
465 following is substituted in lieu thereof (*Effective October 1, 2010*):

466 (a) In any court proceeding in a family relations matter, as defined
467 in section 46b-1, the court may, within available resources, upon

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

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

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

487 Sec. 11. Section 53a-40d of the general statutes is repealed and the
488 following is substituted in lieu thereof (*Effective October 1, 2010*):

489 (a) A persistent offender of crimes involving assault, stalking,
490 trespass, threatening, harassment, criminal violation of a protective
491 order or criminal violation of a restraining order is a person who (1)
492 stands convicted of assault under section 53a-61, stalking under section
493 53a-181d, threatening under section 53a-62, harassment under section
494 53a-183, criminal violation of a protective order under section 53a-223,
495 criminal violation of a restraining order under section 53a-223b or
496 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
497 the [five] ten years preceding the commission of the present crime, (A)
498 been convicted of a capital felony, a class A felony, a class B felony,
499 except a conviction under section 53a-86 or 53a-122, a class C felony,

500 except a conviction under section 53a-87, 53a-152 or 53a-153, or a class
501 D felony under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b,
502 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under
503 section 53a-61, stalking under section 53a-181d, threatening under
504 section 53a-62, harassment under section 53a-183, criminal violation of
505 a protective order under section 53a-223, criminal violation of a
506 restraining order under section 53a-223b, or criminal trespass under
507 section 53a-107 or 53a-108, (B) been convicted in any other state of any
508 crimes the essential elements of which are substantially the same as
509 any of the crimes enumerated in subparagraph (A) of this subdivision,
510 or [has] (C) been released from incarceration with respect to such
511 conviction, whichever is later.

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

522 Sec. 12. (NEW) (*Effective October 1, 2010*) (a) The Chief Court
523 Administrator shall establish, within available appropriations, in each
524 geographic area a docket separate from other matters for the hearing of
525 family violence matters. In establishing such dockets, the Chief Court
526 Administrator shall examine the effectiveness of dockets for family
527 violence matters in existence prior to October 1, 2010, and incorporate,
528 within available appropriations, operational elements of such dockets
529 that the Chief Court Administrator deems beneficial to victims of
530 family violence.

531 (b) The Chief Court Administrator shall designate, within available

532 appropriations, one or more clerks or assistant clerks, or temporary or
533 part-time assistant clerks, and other Judicial Branch staff, in each
534 geographic area to assist parties in family violence cases who require
535 assistance with respect to such family violence cases, including, but not
536 limited to, assistance with completing forms required for such family
537 violence cases. Such assistance may be limited to specified hours of
538 operation designated by the administrator.

539 Sec. 13. Section 54-85b of the general statutes is repealed and the
540 following is substituted in lieu thereof (*Effective October 1, 2010*):

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

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

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

571 Sec. 14. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this
572 section:

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

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

578 (3) "Family violence" means family violence, as defined in section
579 46b-38a of the general statutes; and

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

583 (b) If an employee is a victim of family violence, or an employee's
584 parent or child is a victim of family violence, an employer shall permit
585 the employee to take paid or unpaid leave during any calendar year in
586 which such leave is reasonably necessary (1) to seek medical care or
587 psychological or other counseling for physical or psychological injury
588 or disability for the victim, (2) to obtain services from a victim services
589 organization on behalf of the victim, (3) to relocate due to such family
590 violence, or (4) to participate in any civil or criminal proceeding related
591 to or resulting from such family violence.

592 (c) If an employee's need to use leave under this section is
593 foreseeable, an employer may require advance notice, not to exceed

594 seven days prior to the date such leave is to begin, of the intention to
595 use such leave. If an employee's need for such leave is not foreseeable,
596 an employer may require an employee to give notice of such intention
597 as soon as practicable.

598 (d) Upon an employer's request, an employee who takes leave
599 pursuant to this section shall provide the employer a signed written
600 statement certifying that the leave is for a purpose authorized under
601 this section. The employer may also, but need not, request the
602 employee to provide a police or court record related to the family
603 violence or a signed written statement that the employee, child or
604 parent is a victim of family violence, provided such statement is from
605 an employee, agent or volunteer of a victim services organization, from
606 an attorney or other advocate, or from a medical or other professional
607 from whom the employee or the employee's parent or child has sought
608 assistance.

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

615 (f) Nothing in this section shall be construed to require an employer
616 to provide paid leave under this section if (1) the employee is not
617 entitled to paid leave pursuant to the terms and conditions of the
618 employee's employment, or (2) such paid leave exceeds the maximum
619 amount of leave due the employee during any calendar year, provided
620 the employee shall be entitled to unpaid leave under this section if
621 paid leave is exhausted or not provided.

622 (g) Any written statement or police or court record provided to an
623 employer pursuant to subsection (d) of this section shall be maintained
624 as confidential by the employer and shall not be further disclosed by
625 the employer except as required by federal or state law or as necessary

626 to protect the employee's safety in the workplace, provided the
627 employee is given notice prior to the disclosure.

628 (h) Any employer who violates the provisions of this section shall be
629 fined not more than five hundred dollars per violation.

630 Sec. 15. Section 17a-28 of the 2010 supplement to the general statutes
631 is repealed and the following is substituted in lieu thereof (*Effective*
632 *October 1, 2010*):

633 (a) As used in this section:

634 (1) "Person" means (A) any individual named in a record,
635 maintained by the department, who (i) is presently or at any prior time
636 was a ward of or committed to the commissioner for any reason; (ii)
637 otherwise received services, voluntarily or involuntarily, from the
638 department; or (iii) is presently or was at any prior time the subject of
639 an investigation by the department; (B) the parent of a person, as
640 defined in subparagraph (A) of this subdivision, if such person is a
641 minor; or (C) the authorized representative of a person, as defined in
642 subparagraph (A) of this subdivision, if such person is deceased;

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

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

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

652 (5) "Records" means information created or obtained in connection
653 with the department's child protection activities or activities related to
654 a child while in the care or custody of the department, including

655 information in the registry of reports to be maintained by the
656 commissioner pursuant to section 17a-101k, provided records which
657 are not created by the department are not subject to disclosure, except
658 as provided pursuant to subsection (f), (l) or (n) of this section;

659 (6) "Disclose" means (A) to provide an oral summary of records
660 maintained by the department to an individual, agency, corporation or
661 organization, or (B) to allow an individual, agency, corporation or
662 organization to review or obtain copies of such records in whole, part
663 or summary form;

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

666 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
667 records maintained by the department shall be confidential and shall
668 not be disclosed, unless the department receives written consent from
669 the person or as provided in this section. Any unauthorized disclosure
670 shall be punishable by a fine of not more than one thousand dollars or
671 imprisonment for not more than one year, or both. Any employee of
672 the department who in the ordinary course of such person's
673 employment has reasonable cause to suspect or believe that another
674 employee has engaged in the unauthorized disclosure of records shall
675 report in writing such unauthorized disclosure of records to the
676 commissioner. The report shall include the name of the person
677 disclosing the information and the nature of the information disclosed
678 and to whom it was disclosed, if known.

679 (c) When information concerning an incident of abuse or neglect has
680 been made public or when the commissioner reasonably believes
681 publication of such information is likely, the commissioner or the
682 commissioner's designee may disclose, with respect to an investigation
683 of such abuse or neglect: (1) Whether the department has received a
684 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
685 section 17a-103, and (2) in general terms, any action taken by the
686 department, provided (A) the names or other individually identifiable

687 information of the minor victim or other family member is not
688 disclosed, and (B) the name or other individually identifiable
689 information of the person suspected to be responsible for the abuse or
690 neglect is not disclosed unless the person has been arrested for a crime
691 due to such abuse or neglect.

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

697 (e) The commissioner shall, upon written request, disclose the
698 following information concerning agencies licensed by the Department
699 of Children and Families, except foster care parents, relatives of the
700 child who are certified to provide foster care or prospective adoptive
701 families: (1) The name of the licensee; (2) the date the original license
702 was issued; (3) the current status of the license; (4) whether an agency
703 investigation or review is pending or has been completed; and (5) any
704 licensing action taken by the department at any time during the period
705 such license was issued and the reason for such action, provided
706 disclosure of such information will not jeopardize a pending
707 investigation.

708 (f) The commissioner or the commissioner's designee shall, upon
709 request, promptly provide copies of records, without the consent of a
710 person, to (1) a law enforcement agency, (2) the Chief State's Attorney,
711 or the Chief State's Attorney's designee, or a state's attorney for the
712 judicial district in which the child resides or in which the alleged abuse
713 or neglect occurred, or the state's attorney's designee, for purposes of
714 investigating or prosecuting an allegation of child abuse or neglect, (3)
715 the attorney appointed to represent a child in any court in litigation
716 affecting the best interests of the child, (4) a guardian ad litem
717 appointed to represent a child in any court in litigation affecting the
718 best interests of the child, (5) the Department of Public Health, in

719 connection with: (A) Licensure of any person to care for children for
720 the purposes of determining the suitability of such person for
721 licensure, subject to the provisions of sections 17a-101g and 17a-101k,
722 or (B) an investigation conducted pursuant to section 19a-80f, (6) any
723 state agency which licenses such person to educate or care for children
724 pursuant to section 10-145b or 17a-101j, subject to the provisions of
725 sections 17a-101g and 17a-101k concerning nondisclosure of findings
726 of responsibility for abuse and neglect, (7) the Governor, when
727 requested in writing, in the course of the Governor's official functions
728 or the Legislative Program Review and Investigations Committee, the
729 joint standing committee of the General Assembly having cognizance
730 of matters relating to the judiciary and the select committee of the
731 General Assembly having cognizance of matters relating to children
732 when requested in the course of said committees' official functions in
733 writing, and upon a majority vote of said committee, provided no
734 names or other identifying information shall be disclosed unless it is
735 essential to the legislative or gubernatorial purpose, (8) a local or
736 regional board of education, provided the records are limited to
737 educational records created or obtained by the state or Connecticut-
738 Unified School District #2, established pursuant to section 17a-37, (9) a
739 party in a custody proceeding under section 17a-112 or 46b-129, in the
740 Superior Court where such records concern a child who is the subject
741 of the proceeding or the parent of such child, (10) the Chief Child
742 Protection Attorney, or his or her designee, for purposes of ensuring
743 competent representation by the attorneys whom the Chief Child
744 Protection Attorney contracts with to provide legal and guardian ad
745 litem services to the subjects of such records and to ensure accurate
746 payments for services rendered by such contract attorneys, [and] (11)
747 the Department of Motor Vehicles, for purposes of checking the state's
748 child abuse and neglect registry pursuant to subsection (e) of section
749 14-44, and (12) a judge of the Superior Court and all necessary parties
750 in a family violence proceeding when such records concern family
751 violence with respect to the child who is the subject of the proceeding
752 or the parent of such child who is the subject of the proceeding. A

753 disclosure under this section shall be made of any part of a record,
754 whether or not created by the department, provided no confidential
755 record of the Superior Court shall be disclosed other than the petition
756 and any affidavits filed therewith in the superior court for juvenile
757 matters, except upon an order of a judge of the Superior Court for
758 good cause shown. The commissioner shall also disclose the name of
759 any individual who cooperates with an investigation of a report of
760 child abuse or neglect to such law enforcement agency or state's
761 attorney for purposes of investigating or prosecuting an allegation of
762 child abuse or neglect. The commissioner or the commissioner's
763 designee shall, upon request, subject to the provisions of sections 17a-
764 101g and 17a-101k, promptly provide copies of records, without the
765 consent of the person, to (A) the Department of Public Health for the
766 purpose of determining the suitability of a person to care for children
767 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
768 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
769 Services for determining the suitability of a person for any payment
770 from the department for providing child care.

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

776 (1) Multidisciplinary teams which are formed to assist the
777 department in investigation, evaluation or treatment of child abuse
778 and neglect cases or a multidisciplinary provider of professional
779 treatment services under contract with the department for a child
780 referred to the provider;

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

784 (3) An individual, including a physician, authorized pursuant to

785 section 17a-101f to place a child in protective custody if such
786 individual has before him a child whom he reasonably suspects may
787 be a victim of abuse or neglect and such individual requires the
788 information in a record in order to determine whether to place the
789 child in protective custody;

790 (4) An individual or public or private agency responsible for a
791 person's care or custody and authorized by the department to
792 diagnose, care for, treat or supervise a child who is the subject of a
793 record of child abuse or neglect or a public or private agency
794 responsible for a person's education for a purpose related to the
795 individual's or agency's responsibilities;

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

798 (6) Individuals or public or private agencies engaged in medical,
799 psychological or psychiatric diagnosis or treatment of a person
800 perpetrating the abuse or who is unwilling or unable to protect the
801 child from abuse or neglect when the commissioner or his designee
802 determines that the disclosure is needed to accomplish the objectives
803 of diagnosis or treatment;

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

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

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

819 (10) The Department of Social Services, provided the information
820 disclosed is necessary to promote the health, safety and welfare of the
821 child;

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

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

827 (13) The Department of Developmental Services, to allow said
828 department to determine eligibility, facilitate enrollment and plan for
829 the provision of services to a child, who is a client of said department
830 but who is not yet participating in said department's voluntary
831 services program. Records provided pursuant to this subdivision shall
832 be limited to a written summary of any investigation conducted by the
833 Department of Children and Families pursuant to section 17a-101g. At
834 the time that a parent or guardian completes an application for
835 enrollment of a child in the Department of Developmental Services
836 voluntary services program, said department shall notify such parent
837 or guardian that records specified in this subdivision may be provided
838 by the Department of Children and Families to the Department of
839 Developmental Services without the consent of such parent or
840 guardian.

841 (h) The commissioner or his designee may disclose the name,
842 address and fees for services to a person, to individuals or agencies
843 involved in the collection of fees for such services, except as provided
844 in section 17b-225. In cases where a dispute arises over such fees or
845 claims or where additional information is needed to substantiate the

846 fee or claim, such disclosure of further information shall be limited to
847 the following: (1) That the person was in fact committed to or
848 otherwise served by the department; (2) dates and duration of service;
849 and (3) a general description of the service, which shall include
850 evidence that a service or treatment plan exists and has been carried
851 out and evidence to substantiate the necessity for admission and
852 length of stay in any institution or facility.

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

864 (j) Notwithstanding the provisions of subsection (g) of this section,
865 the name of any individual who cooperates with an investigation of a
866 report of child abuse or neglect shall be kept confidential upon request
867 or upon determination by the department that disclosure of such
868 information may be detrimental to the safety or interests of the
869 individual, except the name of any such individual shall be disclosed
870 to the persons listed in subsection (i) of this section.

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

876 (l) Information disclosed from a person's record shall not be
877 disclosed further without the written consent of the person, except if

878 disclosed (1) pursuant to the provisions of section 19a-80f, or (2) to a
879 party or his counsel pursuant to an order of a court in which a criminal
880 prosecution or an abuse, neglect, commitment or termination
881 proceeding against the party is pending. A state's attorney shall
882 disclose to the defendant or his counsel in a criminal prosecution,
883 without the necessity of a court order, exculpatory information and
884 material contained in such record and may disclose, without a court
885 order, information and material contained in such record which could
886 be the subject of a disclosure order. All written records disclosed to
887 another individual or agency shall bear a stamp requiring
888 confidentiality in accordance with the provisions of this section. Such
889 material shall not be disclosed to anyone without written consent of
890 the person or as provided by this section. A copy of the consent form
891 specifying to whom and for what specific use the record is disclosed or
892 a statement setting forth any other statutory authorization for
893 disclosure and the limitations imposed thereon shall accompany such
894 record. In cases where the disclosure is made orally, the individual
895 disclosing the information shall inform the recipient that such
896 information is governed by the provisions of this section.

897 (m) In addition to the right of access provided in section 1-210, any
898 person, regardless of age, his authorized representative or attorney
899 shall have the right of access to any records made, maintained or kept
900 on file by the department, whether or not such records are required by
901 any law or by any rule or regulation, when those records pertain to or
902 contain information or materials concerning the person seeking access
903 thereto, including but not limited to records concerning investigations,
904 reports, or medical, psychological or psychiatric examinations of the
905 person seeking access thereto, provided that (1) information
906 identifying an individual who reported abuse or neglect of a person,
907 including any tape recording of an oral report pursuant to section 17a-
908 103, shall not be released unless, upon application to the Superior
909 Court by such person and served on the Commissioner of Children
910 and Families, a judge determines, after in camera inspection of
911 relevant records and a hearing, that there is reasonable cause to believe

912 the reporter knowingly made a false report or that other interests of
913 justice require such release; and (2) if the commissioner determines
914 that it would be contrary to the best interests of the person or his
915 authorized representative or attorney to review the records, he may
916 refuse access by issuing to such person or representative or attorney a
917 written statement setting forth the reasons for such refusal, and advise
918 the person, his authorized representative or attorney of the right to
919 seek judicial relief. When any person, attorney or authorized
920 representative, having obtained access to any record, believes there are
921 factually inaccurate entries or materials contained therein, he shall
922 have the unqualified right to add a statement to the record setting
923 forth what he believes to be an accurate statement of those facts, and
924 said statement shall become a permanent part of said record.

925 (n) (1) Any person, attorney or authorized representative aggrieved
926 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
927 of subsection (m) of this section, except subdivision (2) of said
928 subsection (m), may seek judicial relief in the same manner as
929 provided in section 52-146j; (2) any person, attorney or authorized
930 representative denied access to records by the commissioner under
931 subdivision (2) of subsection (m) of this section may petition the
932 superior court for the venue district provided in section 46b-142 in
933 which the person resides for an order requiring the commissioner to
934 permit access to those records, and the court after hearing, and an in
935 camera review of the records in question, shall issue such an order
936 unless it determines that to permit such access would be contrary to
937 the best interests of the person or authorized representative.

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

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> | 17b-90(c) |
| Sec. 9 | <i>October 1, 2010</i> | 18-81m |
| Sec. 10 | <i>October 1, 2010</i> | 46b-15c |
| Sec. 11 | <i>October 1, 2010</i> | 53a-40d |
| Sec. 12 | <i>October 1, 2010</i> | New section |
| Sec. 13 | <i>October 1, 2010</i> | 54-85b |
| Sec. 14 | <i>October 1, 2010</i> | New section |
| Sec. 15 | <i>October 1, 2010</i> | 17a-28 |

Statement of Purpose:

To implement employment protections, electronic monitoring of offenders, court procedures and other protections for victims of family violence.

[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.]