



General Assembly

January Session, 2011

Raised Bill No. 6629

LCO No. 5035

05035_____JUD

Introduced by:
(JUD)

AN ACT CONCERNING DOMESTIC VIOLENCE.

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

1 Section 1. Section 46b-15 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Any family or household member as defined in section 46b-38a,
4 as amended by this act, who has been subjected to a continuous threat
5 of present physical pain or physical injury, a pattern of verbal
6 intimidation, threatening or stalking, by another family or household
7 member [or person in, or has recently been in, a dating relationship
8 who has been subjected to a continuous threat of present physical pain
9 or physical injury by the other person in such relationship] may make
10 an application to the Superior Court for relief under this section.

11 (b) The application form shall allow the applicant, at the applicant's
12 option, to indicate whether the respondent holds a permit to carry a
13 pistol or revolver or possesses one or more firearms. The application
14 shall be accompanied by an affidavit made under oath which includes
15 a brief statement of the conditions from which relief is sought. Upon
16 receipt of the application the court shall order that a hearing on the

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

38 (c) Every order of the court made in accordance with this section
39 shall contain the following language: "This order may be extended by
40 the court beyond six months. In accordance with section 53a-107,
41 entering or remaining in a building or any other premises in violation
42 of this order constitutes criminal trespass in the first degree. This is a
43 criminal offense punishable by a term of imprisonment of not more
44 than one year, a fine of not more than two thousand dollars or both."

45 (d) No order of the court shall exceed six months, except that an
46 order may be extended by the court upon motion of the applicant for
47 such additional time as the court deems necessary. If the respondent
48 has not appeared upon the initial application, service of a motion to
49 extend an order may be made by first-class mail directed to the

50 respondent at his or her last known address.

51 (e) The applicant shall cause notice of the hearing pursuant to
52 subsection (b) of this section and a copy of the application and the
53 applicant's affidavit and of any ex parte order issued pursuant to
54 subsection (b) of this section to be served on the respondent not less
55 than five days before the hearing. The cost of such service shall be paid
56 for by the Judicial Branch. Upon the granting of an ex parte order, the
57 clerk of the court shall provide two copies of the order to the applicant.
58 Upon the granting of an order after notice and hearing, the clerk of the
59 court shall provide two copies of the order to the applicant and a copy
60 to the respondent. Every order of the court made in accordance with
61 this section after notice and hearing shall be accompanied by a
62 notification that is consistent with the full faith and credit provisions
63 set forth in 18 USC 2265(a), as amended from time to time.
64 Immediately after making service on the respondent, the proper officer
65 shall send or cause to be sent, by facsimile or other means, a copy of
66 the application, or the information contained in such application,
67 stating the date and time the respondent was served, to the law
68 enforcement agency or agencies for the town in which the applicant
69 resides, the town in which the applicant is employed and the town in
70 which the respondent resides. The clerk of the court shall send, by
71 facsimile or other means, a copy of any ex parte order and of any order
72 after notice and hearing, or the information contained in any such
73 order, to the law enforcement agency or agencies for the town in which
74 the applicant resides, the town in which the applicant is employed and
75 the town in which the respondent resides, within forty-eight hours of
76 the issuance of such order.

77 (f) A caretaker who is providing shelter in his or her residence to a
78 person sixty years or older shall not be enjoined from the full use and
79 enjoyment of his or her home and property. The Superior Court may
80 make any other appropriate order under the provisions of this section.

81 (g) When a motion for contempt is filed for violation of a restraining

82 order, there shall be an expedited hearing. Such hearing shall be held
83 within five court days of service of the motion on the respondent,
84 provided service on the respondent is made not less than twenty-four
85 hours before the hearing. If the court finds the respondent in contempt
86 for violation of an order, the court may impose such sanctions as the
87 court deems appropriate.

88 (h) An action under this section shall not preclude the applicant
89 from seeking any other civil or criminal relief.

90 Sec. 2. Section 46b-38a of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective October 1, 2011*):

92 For the purposes of sections 46b-38a to 46b-38f, inclusive:

93 (1) "Family violence" means an incident resulting in physical harm,
94 bodily injury or assault, or an act of threatened violence that
95 constitutes fear of imminent physical harm, bodily injury or assault
96 between family or household members. Verbal abuse or argument
97 shall not constitute family violence unless there is present danger and
98 the likelihood that physical violence will occur.

99 (2) "Family or household member" means (A) spouses, former
100 spouses; (B) parents and their children; (C) persons eighteen years of
101 age or older related by blood or marriage; (D) persons sixteen years of
102 age or older other than those persons in subparagraph (C) presently
103 residing together or who have resided together; (E) persons who have
104 a child in common regardless of whether they are or have been
105 married or have lived together at any time; and (F) persons in, or who
106 have recently been in, a dating relationship, regardless of the age of
107 such persons.

108 (3) "Family violence crime" means a crime as defined in section 53a-
109 24 which, in addition to its other elements, contains as an element
110 thereof an act of family violence to a family member and shall not
111 include acts by parents or guardians disciplining minor children unless

112 such acts constitute abuse.

113 (4) "Institutions and services" means peace officers, service
114 providers, mandated reporters of abuse, agencies and departments
115 that provide services to victims and families and services designed to
116 assist victims and families.

117 Sec. 3. Section 46b-38b of the general statutes is repealed and the
118 following is substituted in lieu thereof (*Effective October 1, 2011*):

119 (a) Whenever a peace officer determines upon speedy information
120 that a family violence crime [, except a family violence crime involving
121 a dating relationship,] has been committed within such officer's
122 jurisdiction, such officer shall arrest the person or persons suspected of
123 its commission and charge such person or persons with the
124 appropriate crime. The decision to arrest and charge shall not (1) be
125 dependent on the specific consent of the victim, (2) consider the
126 relationship of the parties, or (3) be based solely on a request by the
127 victim. Whenever a peace officer determines that a family violence
128 crime has been committed, such officer may seize any firearm or
129 electronic defense weapon, as defined in section 53a-3, at the location
130 where the crime is alleged to have been committed that is in the
131 possession of any person arrested for the commission of such crime or
132 suspected of its commission or that is in plain view. Not later than
133 seven days after any such seizure, the law enforcement agency shall
134 return such firearm or electronic defense weapon in its original
135 condition to the rightful owner thereof unless such person is ineligible
136 to possess such firearm or electronic defense weapon or unless
137 otherwise ordered by the court.

138 (b) No peace officer investigating an incident of family violence
139 shall threaten, suggest or otherwise indicate the arrest of all parties for
140 the purpose of discouraging requests for law enforcement intervention
141 by any party. Where complaints are made by two or more opposing
142 parties, the officer shall evaluate each complaint separately to
143 determine whether such officer should make an arrest or seek a

144 warrant for an arrest. Notwithstanding the provisions of subsection (a)
145 of this section, when a peace officer reasonably believes that a party in
146 an incident of family violence has used force as a means of self
147 defense, such officer is not required to arrest such party under this
148 section.

149 (c) No peace officer shall be held liable in any civil action regarding
150 personal injury or injury to property brought by any party to a family
151 violence incident for an arrest based on probable cause or for any
152 conditions of release imposed pursuant to subsection (b) of section 54-
153 63c.

154 (d) It shall be the responsibility of the peace officer at the scene of a
155 family violence incident to provide immediate assistance to the victim.
156 Such assistance shall include, but not be limited to: (1) Assisting the
157 victim to obtain medical treatment if such treatment is required; (2)
158 notifying the victim of the right to file an affidavit for a warrant for
159 arrest; (3) informing the victim of services available and referring the
160 victim to the Office of Victim Services; and (4) providing assistance in
161 accordance with the uniform protocols for treating victims of family
162 violence whose immigration status is questionable established
163 pursuant to subsection (g) of this section. In cases where the officer has
164 determined that no cause exists for an arrest, assistance shall include:
165 (A) Assistance as provided in subdivisions (1) to (4), inclusive, of this
166 subsection; and (B) remaining at the scene for a reasonable time until,
167 in the reasonable judgment of the officer, the likelihood of further
168 imminent violence has been eliminated.

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

176 procedures with respect to the provision of services to victims; and (E)
177 such other criteria or guidelines as may be applicable to carry out the
178 purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to
179 46b-38f, inclusive, as amended by this act, and 54-1g. Such procedures
180 shall be duly promulgated by such law enforcement agency.

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

191 (f) The Police Officer Standards and Training Council, in
192 conjunction with the Division of Criminal Justice, shall establish an
193 education and training program for law enforcement officers,
194 supervisors and state's attorneys on the handling of family violence
195 incidents. Training under such program shall: (1) Stress the
196 enforcement of criminal law in family violence cases and the use of
197 community resources, and include training for peace officers at both
198 recruit and in-service levels; and (2) include, but not be limited to: (A)
199 The nature, extent and causes of family violence; (B) legal rights of and
200 remedies available to victims of family violence and persons accused
201 of family violence; (C) services and facilities available to victims and
202 batterers; (D) legal duties imposed on police officers to make arrests
203 and to offer protection and assistance, including applicable probable
204 cause standards; and (E) techniques for handling incidents of family
205 violence that minimize the likelihood of injury to the officer and
206 promote the safety of the victim. On and after July 1, 2010, training
207 under such program shall also include, within available
208 appropriations, information on (i) the impact of arrests of multiple

209 parties in a family violence case on the immigration status of the
210 parties; (ii) crime scene investigation and evaluation practices in family
211 violence cases designed by the council to reduce the number of
212 multiple arrests in family violence cases; and (iii) practical
213 considerations in the application of state statutes related to family
214 violence. On and after July 1, 2010, such training shall also address,
215 within available appropriations, eligibility for federal T Visas for
216 victims of human trafficking and federal U Visas for unauthorized
217 immigrants who are victims of family violence and other crimes.

218 (g) Not later than July 1, 2010, the Police Officer Standards and
219 Training Council shall establish uniform protocols for treating victims
220 of family violence whose immigration status is questionable, and shall
221 make such protocols available to law enforcement agencies. Each law
222 enforcement agency shall adopt and use such protocols on and after
223 the date they are established by the council.

224 Sec. 4. Section 46b-38c of the general statutes is repealed and the
225 following is substituted in lieu thereof (*Effective October 1, 2011*):

226 (a) There shall be family violence response and intervention units in
227 the Connecticut judicial system to respond to cases involving family
228 violence. The units shall be coordinated and governed by formal
229 agreement between the Chief State's Attorney and the Judicial
230 Department.

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

238 (c) Each such local family violence intervention unit shall: (1) Accept
239 referrals of family violence cases from a judge or prosecutor, (2)

240 prepare written or oral reports on each case for the court by the next
241 court date to be presented at any time during the court session on that
242 date, (3) provide or arrange for services to victims and offenders, (4)
243 administer contracts to carry out such services, and (5) establish
244 centralized reporting procedures. All information provided to a family
245 relations counselor, family relations counselor trainee or family
246 services supervisor employed by the Judicial [Branch] Department in a
247 local family violence intervention unit shall be used solely for the
248 purposes of preparation of the report and the protective order forms
249 for each case and recommendation of services and shall otherwise be
250 confidential and retained in the files of such unit and not be subject to
251 subpoena or other court process for use in any other proceeding or for
252 any other purpose, except that a family relations counselor, family
253 relations counselor trainee or family services supervisor employed by
254 the Judicial [Branch] Department:

255 (A) Shall disclose to the court and the prosecuting authority for
256 appropriate action information that the victim has indicated that the
257 defendant holds a permit to carry a pistol or revolver or possesses one
258 or more firearms;

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

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

265 (D) May disclose to a bail commissioner employed by the Judicial
266 [Branch] Department information regarding a defendant who is on or
267 is being considered for pretrial release;

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

270 (F) May disclose, after disposition of a family violence case, (i) to a
271 probation officer or a juvenile probation officer, for purposes of
272 determining service needs and supervision levels, information
273 regarding a defendant who has been convicted and sentenced to a
274 period of probation in the family violence case, and (ii) to
275 organizations under contract with the Judicial [Branch] Department to
276 provide family violence programs and services, for purposes of
277 determining program and service needs, information regarding
278 defendants who are their clients; [and]

279 (G) May disclose to a probation officer information regarding a
280 defendant who has been convicted in a family violence case for the
281 purpose of conducting presentence investigations and recommending
282 an appropriate sentence; and

283 [(G)] (H) [The family relations counselor, family relations counselor
284 trainee or family services supervisor shall] Shall disclose such
285 information as may be necessary to fulfill such counselor's, trainee's or
286 supervisor's duty as a mandated reporter under section 17a-101a to
287 report suspected child abuse or neglect.

288 (d) In all cases of family violence, a written or oral report and
289 recommendation of the local family violence intervention unit shall be
290 available to a judge at the first court date appearance to be presented at
291 any time during the court session on that date. A judge of the Superior
292 Court may consider and impose the following conditions to protect the
293 parties, including, but not limited to: (1) Issuance of a protective order
294 pursuant to subsection (e) of this section; (2) prohibition against
295 subjecting the victim to further violence; (3) referral to a family
296 violence education program for batterers; and (4) immediate referral
297 for more extensive case assessment. Such protective order shall be an
298 order of the court, and the clerk of the court shall cause (A) a copy of
299 such order to be sent to the victim, and (B) a copy of such order, or the
300 information contained in such order, to be sent by facsimile or other
301 means within forty-eight hours of its issuance to the law enforcement

302 agency for the town in which the victim resides and, if the defendant
303 resides in a town different from the town in which the victim resides,
304 to the law enforcement agency for the town in which the defendant
305 resides. If the victim is employed in a town different from the town in
306 which the victim resides, the clerk of the court shall, upon the request
307 of the victim, send, by facsimile or other means, a copy of such order,
308 or the information contained in such order, to the law enforcement
309 agency for the town in which the victim is employed within forty-eight
310 hours of the issuance of such order.

311 (e) A protective order issued under this section may include
312 provisions necessary to protect the victim from threats, harassment,
313 injury or intimidation by the defendant, including, but not limited to,
314 an order enjoining the defendant from (1) imposing any restraint upon
315 the person or liberty of the victim, (2) threatening, harassing,
316 assaulting, molesting or sexually assaulting the victim, or (3) entering
317 the family dwelling or the dwelling of the victim. A protective order
318 issued under this section may include provisions necessary to protect
319 any animal owned or kept by the victim including, but not limited to,
320 an order enjoining the defendant from injuring or threatening to injure
321 such animal. Such order shall be made a condition of the bail or release
322 of the defendant and shall contain the following [language]
323 notification: "In accordance with section 53a-223 of the Connecticut
324 general statutes, any violation of this order constitutes criminal
325 violation of a protective order which is punishable by a term of
326 imprisonment of not more than five years, a fine of not more than five
327 thousand dollars, or both. Additionally, in accordance with section
328 53a-107 of the Connecticut general statutes, entering or remaining in a
329 building or any other premises in violation of this order constitutes
330 criminal trespass in the first degree which is punishable by a term of
331 imprisonment of not more than one year, a fine of not more than two
332 thousand dollars, or both. Violation of this order also violates a
333 condition of your bail or release, and may result in raising the amount
334 of bail or revoking release." Every order of the court made in
335 accordance with this section after notice and hearing shall [also contain

336 the following language: "This order is accorded full faith and credit
337 pursuant to 18 USC Section 2265, as amended from time to time."] be
338 accompanied by a notification that is consistent with the full faith and
339 credit provisions set forth in 18 USC 2265(a), as amended from time to
340 time. The information contained in and concerning the issuance of any
341 protective order issued under this section shall be entered in the
342 registry of protective orders pursuant to section 51-5c, as amended by
343 this act.

344 (f) The Judicial [Branch] Department may establish, within available
345 appropriations, a pilot program in three judicial districts for the
346 purpose of using electronic monitoring in accordance with this
347 subsection. Such pilot program shall be conducted in at least one
348 judicial district that contains an urban area, as defined in section 4b-13,
349 and at least one judicial district that does not contain such an urban
350 area. Pursuant to such pilot program, the court may order that any
351 person appearing in such judicial district who is charged with the
352 violation of a restraining order or a protective order, and who has been
353 determined to be a high-risk offender by the family violence
354 intervention unit, be subject to electronic monitoring designed to warn
355 law enforcement agencies, a state-wide information collection center
356 and the victim when the person is within a specified distance of the
357 victim, if the court finds that such electronic monitoring is necessary to
358 protect the victim, provided the cost of such electronic monitoring is
359 paid by the person who is subject to such electronic monitoring,
360 subject to guidelines established by the Chief Court Administrator. If
361 the court orders that such person be subject to electronic monitoring,
362 the clerk of the court shall send, by facsimile or other means, a copy of
363 the order, or the information contained in any such order, to the law
364 enforcement agency or agencies for the town in which the person
365 resides. The Judicial [Branch] Department shall cease operation of any
366 pilot program established under this subsection not later than March
367 31, 2011, unless resources are available to continue operation of the
368 pilot program.

369 (g) In cases referred to the local family violence intervention unit, it
370 shall be the function of the unit to (1) identify victim service needs and,
371 by contract with victim service providers, make available appropriate
372 services, and (2) identify appropriate offender services and where
373 possible, by contract, provide treatment programs for offenders.

374 (h) There shall be a pretrial family violence education program for
375 persons who are charged with family violence crimes. At a minimum,
376 such program shall inform participants of the basic elements of family
377 violence law and applicable penalties. The court may, in its discretion,
378 invoke such program on motion of the defendant when it finds: (1)
379 That the defendant has not previously been convicted of or arrested for
380 a family violence crime which occurred on or after October 1, 1986; (2)
381 the defendant has not had a previous case assigned to the family
382 violence education program; (3) the defendant has not previously
383 invoked or accepted accelerated rehabilitation under section 54-56e for
384 a family violence crime which occurred on or after October 1, 1986; and
385 (4) that the defendant is not charged with a [class A, class B or class C
386 felony, or an unclassified felony carrying a term of imprisonment of
387 more than ten years, or unless good cause is shown, a class D] felony,
388 [or] an unclassified offense carrying a term of imprisonment of more
389 than five years, or an offense which involved the infliction of serious
390 physical injury, as defined in section 53a-3. Participation by any person
391 in the accelerated pretrial rehabilitation program under section 54-56e
392 prior to October 1, 1986, shall not prohibit eligibility of such person for
393 the pretrial family violence education program under this section. The
394 court may require that the defendant answer such questions under
395 oath, in open court or before any person designated by the clerk and
396 duly authorized to administer oaths, under the penalties of perjury as
397 will assist the court in making these findings. The court may require
398 the defendant to enter a plea on the family violence crime charges as a
399 condition for assignment to the family violence education program
400 provided such charges shall be dismissed upon the defendant's
401 successful completion of the family violence education program. The
402 court, on such motion, may refer the defendant to the family violence

403 intervention unit, and may continue the defendant's case pending the
404 submission of the report of the unit to the court. The court shall also
405 give notice to the victim or victims that the defendant has requested
406 assignment to the family violence education program, and, where
407 possible, give the victim or victims opportunity to be heard. Any
408 defendant who accepts placement in the family violence education
409 program shall agree to the tolling of any statute of limitations with
410 respect to the crime or crimes with which the defendant is charged,
411 and to a waiver of the defendant's right to a speedy trial. Any such
412 defendant shall appear in court and shall be released to the custody of
413 the family violence intervention unit for such period, not exceeding
414 two years, and under such conditions as the court shall order. If the
415 defendant refuses to accept, or, having accepted, violates such
416 conditions, the defendant's case shall be brought to trial. If the
417 defendant satisfactorily completes the family violence education
418 program and complies with the conditions imposed for the period set
419 by the court, the defendant may apply for dismissal of the charges
420 against the defendant and the court, on finding satisfactory
421 compliance, shall dismiss such charges. Upon dismissal all records of
422 such charges shall be erased pursuant to section 54-142a.

423 (i) A fee of [two] four hundred dollars shall be paid to the court by
424 any person who enters the family violence education program, except
425 that no person shall be excluded from such program for inability to
426 pay the fee, provided (1) the person files with the court an affidavit of
427 indigency or inability to pay, and (2) the court enters a finding thereof.
428 All such fees shall be credited to the General Fund.

429 (j) The Judicial Department shall establish an ongoing training
430 program for judges, Court Support Services Division personnel and
431 clerks to inform them about the policies and procedures of sections
432 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f, inclusive, as
433 amended by this act, and 54-1g, including, but not limited to, the
434 function of the family violence intervention units and the use of
435 restraining and protective orders.

436 Sec. 5. Section 51-5c of the general statutes is repealed and the
437 following is substituted in lieu thereof (*Effective October 1, 2011*):

438 (a) The Chief Court Administrator shall establish and maintain an
439 automated registry of protective orders that shall contain (1) protective
440 or restraining orders issued by courts of this state, including, but not
441 limited to, orders issued pursuant to sections 46b-15, as amended by
442 this act, 46b-38c, as amended by this act, 53a-40e, as amended by this
443 act, 54-1k, 54-82q and 54-82r, and (2) foreign orders of protection that
444 have been registered in this state pursuant to section 46b-15a. The
445 registry shall clearly indicate the date of commencement, the
446 termination date, if specified, and the duration of any order contained
447 therein. The Chief Court Administrator shall adopt policies and
448 procedures for the operation of the registry, which shall include
449 policies and procedures governing the disclosure of information in the
450 registry to the judges of the Superior Court and employees of the
451 Judicial Department.

452 (b) (1) The following information contained in the registry of
453 protective orders shall not be subject to disclosure and may be
454 accessed only in accordance with this section, unless otherwise
455 ordered by the court: (A) Any information that would identify a
456 person protected by an order contained in the registry; (B) any
457 information that is confidential pursuant to state or federal law,
458 including, but not limited to, any information that is confidential
459 pursuant to a court order; and (C) any information entered in the
460 registry pursuant to an ex parte order prior to a hearing by a court
461 having jurisdiction over the parties and the subject matter.

462 (2) Any judge of the Superior Court or any employee of the Judicial
463 Department who is authorized by policies and procedures adopted by
464 the Chief Court Administrator pursuant to subsection (a) of this
465 section shall have access to such information. The Chief Court
466 Administrator may grant access to such information to personnel of
467 the Department of Public Safety, the Department of Correction, the

468 Board of Pardons and Paroles, the Psychiatric Security Review Board,
469 the Division of Criminal Justice, any municipal or tribal police
470 department within this state or any other agency, organization or
471 person determined by the Chief Court Administrator, pursuant to
472 policies and procedures adopted by the Chief Court Administrator, to
473 have a legitimate interest in the information contained in the registry.
474 Any person who obtains such information pursuant to this subdivision
475 may use and disclose the information only in the performance of such
476 person's duties.

477 (3) Except as provided in subsection (c) of this section, the
478 information contained in the registry shall be provided to and may be
479 accessed through the Connecticut on-line law enforcement
480 communications teleprocessing system maintained by the Department
481 of Public Safety. Nothing in this section shall be construed to permit
482 public access to the Connecticut on-line law enforcement
483 communications teleprocessing system.

484 (c) Any person protected by an order contained in the registry of
485 protective orders may [make] file with the clerk of the court a written
486 request [in writing,] that such person's identifying information be
487 confidential. Such person shall file such request on a form prescribed
488 by the Chief Court Administrator. [, that the registry not disclose such
489 protected person's name and address except to the law enforcement
490 agency for the town in which (1) such protected person resides, (2)
491 such protected person is employed, or (3) the person subject to the
492 order resides.] Whenever such written request is filed with the clerk of
493 the court in accordance with this subsection, the person's identifying
494 information shall be confidential and shall be disclosed only upon
495 order of the Superior Court, except that (1) the person's identifying
496 information shall be available to the defendant or respondent at the
497 same time and in the same manner as such information is available in
498 other proceedings, and (2) the person's identifying information shall be
499 entered in the registry of protective orders and available for law
500 enforcement purposes only. For the purposes of this subsection,

501 "identifying information" includes, but is not limited to, a person's
502 name and address.

503 (d) Any person who has reason to believe that information
504 concerning such person which is contained in the registry of protective
505 orders is not consistent with a valid court order may submit a written
506 request for verification of such information to the clerk of the superior
507 court for the judicial district in which such order was issued. If the
508 clerk finds that such information contained in the registry is not
509 consistent with such order, the clerk shall promptly cause such
510 information to be removed from the registry.

511 (e) The orders and other information required or permitted to be
512 contained in the registry of protective orders may be entered in the
513 registry in any written or electronic form approved by the Chief Court
514 Administrator. For the purposes of this section, an order is contained
515 in the registry if the information contained in such order and
516 information concerning the issuance of such order is entered in the
517 registry in a manner approved by the Chief Court Administrator
518 pursuant to this subsection.

519 Sec. 6. Subsection (a) of section 53a-40e of the general statutes is
520 repealed and the following is substituted in lieu thereof (*Effective*
521 *October 1, 2011*):

522 (a) If any person is convicted of (1) a violation of subdivision (1) or
523 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
524 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
525 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,
526 53a-223, as amended by this act, 53a-223a, as amended by this act, or
527 53a-223b, as amended by this act, or attempt or conspiracy to violate
528 any of said sections or section 53a-54a, against a family or household
529 member, as defined in section 46b-38a, as amended by this act, or (2)
530 any crime that the court determines constitutes a family violence
531 crime, as defined in section 46b-38a, as amended by this act, or attempt
532 or conspiracy to commit any such crime, the court may, in addition to

533 imposing the sentence authorized for the crime under section 53a-35a
534 or 53a-36, if the court is of the opinion that the history and character
535 and the nature and circumstances of the criminal conduct of such
536 offender indicate that a standing criminal protective order will best
537 serve the interest of the victim and the public, issue a standing criminal
538 protective order which shall remain in effect for a duration specified
539 by the court until modified or revoked by the court for good cause
540 shown. If any person is convicted of any crime against a family or
541 household member, as defined in section 46b-38a, as amended by this
542 act, other than a crime specified in subdivision (1) or (2) of this
543 subsection, the court may, for good cause shown, issue a standing
544 criminal protective order pursuant to this subsection.

545 Sec. 7. Section 54-216 of the general statutes is repealed and the
546 following is substituted in lieu thereof (*Effective October 1, 2011*):

547 (a) The Office of Victim Services or, on review, a victim
548 compensation commissioner may order that services be provided for
549 the restitution of any person eligible for such services in accordance
550 with the provisions of sections 54-201 to 54-233, inclusive. Such
551 services may include but shall not be limited to medical, psychiatric,
552 psychological and social services and social rehabilitation services.

553 (b) The Office of Victim Services or, on review, a victim
554 compensation commissioner may order that such restitution services
555 be provided to victims of child abuse and members of their families,
556 victims of sexual assault and members of their families, victims of
557 domestic violence and members of their families, and members of the
558 family of any victim of homicide. For the purposes of this subsection,
559 "members of their family" or "member of the family" shall not include
560 the person responsible for such child abuse, sexual assault, domestic
561 violence or homicide.

562 (c) The Office of Victim Services may contract with any public or
563 private agency for any services ordered under this section.

564 Sec. 8. Section 4-165 of the general statutes is repealed and the
565 following is substituted in lieu thereof (*Effective October 1, 2011*):

566 (a) No state officer or employee shall be personally liable for
567 damage or injury, not wanton, reckless or malicious, caused in the
568 discharge of his or her duties or within the scope of his or her
569 employment. Any person having a complaint for such damage or
570 injury shall present it as a claim against the state under the provisions
571 of this chapter.

572 (b) For the purposes of this section, (1) "scope of employment"
573 includes but is not limited to, (A) representation by an attorney
574 appointed by the Public Defender Services Commission as a public
575 defender, assistant public defender or deputy assistant public defender
576 or an attorney appointed by the court as a special assistant public
577 defender of an indigent accused or of a child on a petition of
578 delinquency, (B) representation by such other attorneys, referred to in
579 section 4-141, of state officers and employees in actions brought
580 against such officers and employees in their official and individual
581 capacities, (C) the discharge of duties as a trustee of the state
582 employees retirement system, (D) the discharge of duties of a
583 commissioner of the Superior Court hearing small claims matters or
584 acting as a fact-finder, arbitrator or magistrate or acting in any other
585 quasi-judicial position, (E) the discharge of duties of a person
586 appointed to a committee established by law for the purpose of
587 rendering services to the Judicial Department, including, but not
588 limited to, the Legal Specialization Screening Committee, the State-
589 Wide Grievance Committee, the Client Security Fund Committee, the
590 advisory committee appointed pursuant to section 51-81d and the
591 State Bar Examining Committee, [and] (F) military duty performed by
592 the armed forces of the state while under state active duty, and (G)
593 representation by an individual appointed by the Commission on
594 Child Protection, or by the court, as a guardian ad litem for a child
595 who is subject to a petition related to neglect, abuse, delinquency or
596 being a child from a family with service needs; provided the actions

597 described in subparagraphs (A) to [(F)] (G), inclusive, of this
598 subdivision arise out of the discharge of the duties or within the scope
599 of employment of such officers or employees, and (2) "state employee"
600 includes a member or employee of the soil and water district boards
601 established pursuant to section 22a-315.

602 Sec. 9. Section 51-181e of the general statutes is repealed and the
603 following is substituted in lieu thereof (*Effective July 1, 2011*):

604 (a) For the purposes of this section, "domestic violence docket"
605 means a docket in a geographical area separate and apart from other
606 criminal matters for the hearing of family violence matters.

607 (b) Not later than December 31, 2010, the Chief Court Administrator
608 shall identify geographical areas that do not have a domestic violence
609 docket and designate three geographical areas from among such
610 geographical areas for the establishment of domestic violence dockets.
611 Not later than June 30, 2011, the Chief Court Administrator may
612 establish, within available resources, a domestic violence docket in
613 each geographical area so designated under this subsection. If the
614 Chief Court Administrator establishes such dockets, the Chief Court
615 Administrator shall, prior to establishing such dockets, examine the
616 effectiveness of domestic violence dockets in existence prior to June 7,
617 2010, and incorporate, within available resources, the operational
618 elements of such dockets that the Chief Court Administrator deems
619 beneficial to victims of family violence. If the Chief Court
620 Administrator does not establish such dockets by June 30, 2011, the
621 Chief Court Administrator shall submit a report, in accordance with
622 section 11-4a, to the joint standing committee of the General Assembly
623 having cognizance of matters relating to the judiciary, stating the
624 reasons why such dockets were not established.

625 (c) Not later than December 31, 2011, the Chief Court Administrator
626 shall identify geographical areas that do not have a domestic violence
627 docket and designate six geographical areas from among such
628 geographical areas for the establishment of domestic violence dockets.

629 Not later than June 30, 2012, the Chief Court Administrator shall
630 establish, within available resources, a domestic violence docket in the
631 geographical areas so designated under this subsection. Not later than
632 July 15, 2012, the Chief Court Administrator shall submit a report, in
633 accordance with section 11-4a, to the joint standing committee of the
634 General Assembly having cognizance of matters relating to the
635 judiciary, indicating the geographical areas so designated and the
636 progress made in establishing such dockets pursuant to this
637 subsection.

638 Sec. 10. Section 29-36k of the general statutes is repealed and the
639 following is substituted in lieu thereof (*Effective October 1, 2011*):

640 (a) Not later than two business days after the occurrence of any
641 event that makes a person ineligible to possess a pistol or revolver or
642 other firearm, such person shall (1) transfer in accordance with section
643 29-33 all pistols and revolvers which such person then possesses to any
644 person eligible to possess a pistol or revolver and transfer in
645 accordance with any applicable state and federal laws all other
646 firearms to any person eligible to possess such other firearms by
647 obtaining an authorization number for the sale or transfer of the
648 firearm from the Commissioner of Public Safety, and submit a sale or
649 transfer of firearms form to said commissioner within two business
650 days, except no person described in subdivision (3) of subsection (a) of
651 section 53a-217 may transfer a pistol or revolver pursuant to this
652 subdivision, or (2) deliver or surrender such pistols and revolvers and
653 other firearms to the Commissioner of Public Safety. The commissioner
654 shall exercise due care in the receipt and holding of such pistols and
655 revolvers and other firearms.

656 (b) [Such] Except for a person described in subdivision (3) of
657 subsection (a) of section 53a-217, such person, or such person's legal
658 representative, may, at any time up to one year after such delivery or
659 surrender, transfer such pistols and revolvers in accordance with the
660 provisions of section 29-33 to any person eligible to possess a pistol or

661 revolver and transfer such other firearms in accordance with any
662 applicable state and federal laws to any person eligible to possess such
663 other firearms. Upon notification in writing by the transferee and such
664 person, the Commissioner of Public Safety shall within ten days
665 deliver such pistols and revolvers or other firearms to the transferee. If,
666 at the end of such year, such pistols and revolvers or other firearms
667 have not been so transferred, the commissioner shall cause them to be
668 destroyed.

669 (c) Any person who fails to transfer, deliver or surrender any such
670 pistols and revolvers and other firearms as provided in this section
671 shall be subject to the penalty provided for in section 53a-217 or 53a-
672 217c.

673 Sec. 11. Section 29-36n of the general statutes is repealed and the
674 following is substituted in lieu thereof (*Effective October 1, 2011*):

675 (a) The Commissioner of Public Safety, in conjunction with the Chief
676 State's Attorney and the Connecticut Police Chiefs Association, shall
677 develop a protocol to ensure that persons who become ineligible to
678 possess a pistol or revolver have, in accordance with section 29-36k, as
679 amended by this act, transferred such pistol or revolver to a person
680 eligible to possess such pistol or revolver or have delivered or
681 surrendered such pistol or revolver to said commissioner.

682 (b) The Commissioner of Public Safety, in conjunction with the
683 Chief State's Attorney and the Connecticut Police Chiefs Association,
684 shall update the protocol developed pursuant to subsection (a) of this
685 section to reflect the provisions of sections 29-7h, 29-28, 29-28a, 29-29,
686 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15, as
687 amended by this act, subsections (c) and (d) of section 46b-38c, as
688 amended by this act, and sections 53-202a, 53-202l, 53-202m and 53a-
689 217 and shall include in such protocol specific instructions for the
690 transfer, delivery or surrender of pistols and revolvers when the
691 assistance of more than one law enforcement agency is necessary to
692 effect the requirements of section 29-36k, as amended by this act.

693 Sec. 12. Section 53a-223 of the general statutes is repealed and the
694 following is substituted in lieu thereof (*Effective October 1, 2011*):

695 (a) A person is guilty of criminal violation of a protective order
696 when an order issued pursuant to subsection (e) of section 46b-38c, as
697 amended by this act, or section 54-1k or 54-82r has been issued against
698 such person, and such person violates such order.

699 (b) No person who is listed as a protected person in such protective
700 order may be criminally liable for (1) soliciting, requesting,
701 commanding, importuning or intentionally aiding in the violation of
702 the protective order pursuant to subsection (a) of section 53a-8, or (2)
703 conspiracy to violate such protective order pursuant to section 53a-48.

704 ~~[(b)]~~ (c) Criminal violation of a protective order is a class D felony.

705 Sec. 13. Section 53a-223a of the general statutes is repealed and the
706 following is substituted in lieu thereof (*Effective October 1, 2011*):

707 (a) A person is guilty of criminal violation of a standing criminal
708 protective order when an order issued pursuant to subsection (a) of
709 section 53a-40e, as amended by this act, has been issued against such
710 person, and such person violates such order.

711 (b) No person who is listed as a protected person in such standing
712 criminal protective order may be criminally liable for (1) soliciting,
713 requesting, commanding, importuning or intentionally aiding in the
714 violation of the standing criminal protective order pursuant to
715 subsection (a) of section 53a-8, or (2) conspiracy to violate such
716 standing criminal protective order pursuant to section 53a-48.

717 ~~[(b)]~~ (c) Criminal violation of a standing criminal protective order is
718 a class D felony.

719 Sec. 14. Section 53a-223b of the general statutes is repealed and the
720 following is substituted in lieu thereof (*Effective October 1, 2011*):

721 (a) A person is guilty of criminal violation of a restraining order
722 when (1) (A) a restraining order has been issued against such person
723 pursuant to section 46b-15, as amended by this act, or (B) a foreign
724 order of protection, as defined in section 46b-15a, has been issued
725 against such person in a case involving the use, attempted use or
726 threatened use of physical force against another, and (2) such person,
727 having knowledge of the terms of the order, (A) does not stay away
728 from a person or place in violation of the order, (B) contacts a person in
729 violation of the order, (C) imposes any restraint upon the person or
730 liberty of a person in violation of the order, or (D) threatens, harasses,
731 assaults, molests, sexually assaults or attacks a person in violation of
732 the order.

733 (b) No person who is listed as a protected person in such restraining
734 order or foreign order of protection may be criminally liable for (1)
735 soliciting, requesting, commanding, importuning or intentionally
736 aiding in the violation of the restraining order or foreign order
737 pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate
738 such restraining order or foreign order of protection pursuant to
739 section 53a-48.

740 ~~[(b)]~~ (c) Criminal violation of a restraining order is a class D felony.

741 Sec. 15. Section 54-84a of the general statutes is repealed and the
742 following is substituted in lieu thereof (*Effective October 1, 2011*):

743 (a) Except as provided in subsection (b) of this section, in any
744 criminal prosecution, a husband or wife shall not be required, or
745 without the consent of the other if living, allowed to disclose a
746 confidential communication made by one to the other during
747 marriage.

748 (b) If any person on trial for crime has a [husband or wife, he or she
749 shall be a competent witness but may elect or refuse to testify for or
750 against the accused, except that either] spouse who has received
751 personal violence from the [other] person or [is the spouse of one who]

752 if the person is charged with violation of any of sections 53-20, 53-21,
753 53-23, 53-304, 53a-70, 53a-70a, 53a-71 and 53a-83 to 53a-88, inclusive,
754 [may,] upon [his or her] the person's trial for offenses arising out of
755 such personal violence or from violation of the provisions of any of
756 said sections, such spouse may be compelled to testify in the same
757 manner as any other witness.

758 Sec. 16. Subsection (a) of section 38a-660 of the general statutes is
759 repealed and the following is substituted in lieu thereof (*Effective*
760 *October 1, 2011*):

761 (a) As used in this section and sections 18 to 21, inclusive, of this act:

762 (1) "Commissioner" means the Insurance Commissioner;

763 (2) "Insurer" means any domestic, foreign or alien insurance
764 company which has qualified generally to transact surety business in
765 this state under the requirements of chapter 698 and specifically to
766 transact bail bond business in this state;

767 (3) "Surety bail bond agent" means any person who has been
768 approved by the commissioner and appointed by an insurer by power
769 of attorney to execute or countersign bail bonds for the insurer in
770 connection with judicial proceedings;

771 (4) "License" means a surety bail bond agent license issued by the
772 commissioner to a qualified individual as provided in this section;

773 (5) "Solicit" includes any written or printed presentation or
774 advertising made by mail or other publication, or any oral presentation
775 or advertising in person or by means of telephone, radio or television
776 which implies that an individual is licensed under this section, and any
777 activity in arranging for bail which results in compensation to the
778 individual conducting that activity;

779 (6) "Disqualifying offense" means: (A) A felony; or (B) a
780 misdemeanor if an element of the offense involves dishonesty or

781 misappropriation of money or property; and

782 (7) "Managing general agent" means any person appointed or
783 employed by an insurer to supervise or otherwise manage the bail
784 bond business written in this state by surety bail bond agents
785 appointed by such insurer.

786 Sec. 17. Subsection (k) of section 38a-660 of the general statutes is
787 repealed and the following is substituted in lieu thereof (*Effective*
788 *October 1, 2011*):

789 (k) (1) To further the enforcement of this section and sections 18 to
790 20, inclusive, of this act and to determine the eligibility of any licensee,
791 the commissioner may, as often as [he] the commissioner deems
792 necessary, examine the books and records of any such licensee. Each
793 person licensed as a surety bail bond agent in this state shall, on or
794 before January thirty-first, annually, pay to the commissioner a fee of
795 four hundred fifty dollars to cover the cost of examinations under this
796 subsection.

797 (2) The fees received by the commissioner pursuant to subdivision
798 (1) of this subsection shall be used to conduct examinations under
799 subdivision (1) of this subsection and shall be deposited in the account
800 established in subdivision (3) of this subsection.

801 (3) There is established an account to be known as the "surety bail
802 bond agent examination account", which shall be a separate,
803 nonlapsing account within the Insurance Fund established under
804 section 38a-52a. The account shall contain any moneys required by law
805 to be deposited in the account and any such moneys remaining in the
806 account at the close of the fiscal year shall be transferred to the General
807 Fund.

808 Sec. 18. (NEW) (*Effective October 1, 2011*) (a) No surety bail bond
809 agent shall execute a bail bond without charging the premium rate
810 approved by the commissioner pursuant to chapter 701 of the general

811 statutes.

812 (b) Not later than the tenth day of each month, each surety bail bond
813 agent shall certify to the commissioner under oath, on a form
814 prescribed by the commissioner, that the premium for each surety bail
815 bond executed by such agent in the preceding month was not less
816 than, and did not exceed, the premium rate approved by the
817 commissioner. The filing of a false certification by a surety bail bond
818 agent shall be grounds for administrative action in accordance with
819 section 38a-774 of the general statutes.

820 (c) Each insurer shall semiannually conduct an audit, for the period
821 from January first to June thirtieth and from July first to December
822 thirty-first, of each of its appointed surety bail bond agents to ensure
823 such agents are charging the premium rate as required by subsection
824 (a) of this section. Not later than forty-five days after the closing period
825 of each audit, each insurer shall notify the commissioner of the failure
826 of any surety bail bond agent to charge the premium rate approved by
827 the commissioner pursuant to chapter 701 of the general statutes. Such
828 notice shall include the name of the surety bail bond agent, the case
829 docket number if assigned, the total amount of the bail bond, the date
830 the bail bond was executed, the five-digit identification code assigned
831 to the insurer by the National Association of Insurance Commissioners
832 and the date the premium was due.

833 (d) Not later than January thirty-first, annually, each insurer shall
834 file with the commissioner a statement certifying the total amount of
835 bail bonds executed by such insurer and the total amount of premiums
836 collected by such insurer on such bail bonds in the calendar year
837 preceding.

838 (e) Nothing in this section shall be construed to prohibit or limit a
839 premium financing arrangement that complies with section 19 of this
840 act.

841 Sec. 19. (NEW) (*Effective October 1, 2011*) (a) A surety bail bond agent

842 may enter into a premium financing arrangement with a principal or
843 any indemnitor in which such surety bail bond agent extends credit to
844 such principal or indemnitor.

845 (b) If a surety bail bond agent enters into a premium financing
846 arrangement, the surety bail bond agent shall require (1) the principal
847 on the bail bond or any indemnitor to make a minimum down
848 payment of thirty-five per cent of the premium due, at the premium
849 rate approved by the commissioner pursuant to chapter 701 of the
850 general statutes, and (2) the principal and any indemnitor to execute a
851 promissory note for the balance of the premium due. Such promissory
852 note shall provide that such balance shall be paid not later than fifteen
853 months after the date of the execution of the bail bond. If such balance
854 has not been paid in full to the surety bail bond agent by the due date
855 or a payment due under such arrangement is more than sixty days in
856 arrears, such surety bail bond agent shall file a civil action seeking
857 appropriate relief with the court not later than seventy-five days after
858 such due date. The surety bail bond agent shall make a diligent effort
859 to obtain judgment after filing such civil action on such promissory
860 note unless good cause is shown for failure to obtain judgment,
861 including, but not limited to, the filing for bankruptcy by the principal
862 or the indemnitor or failure to serve process despite good-faith efforts.

863 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) All premiums, including
864 any part of a premium that a surety bail bond agent is obligated to
865 return to a principal or indemnitor, and other funds belonging to
866 insurers or others that are received by a surety bail bond agent in
867 performing such agent's duties as a surety bail bond agent, shall be
868 deemed trust funds received by such agent in a fiduciary capacity.
869 Such agent shall account for and pay such funds to the insurer or
870 persons entitled to such funds pursuant to the surety bail bond agent's
871 contract with the insurer or managing general agent. No fees, expenses
872 or charges of any kind shall be deducted from any premium the surety
873 bail bond agent is obligated to return to a principal or indemnitor,
874 except as authorized under sections 18 to 20, inclusive, of this act.

875 (b) A surety bail bond agent shall keep and make available to the
876 commissioner or the commissioner's designee any books, accounts and
877 records as necessary to enable the commissioner to determine whether
878 such agent is complying with the provisions of sections 18 to 20,
879 inclusive, of this act. A surety bail bond agent shall preserve the books,
880 accounts and records pertaining to a premium payment for at least
881 three years after making such payment. Records that are preserved by
882 photographic or digital reproduction or records that are in
883 photographic or digital form shall be deemed to be in compliance with
884 this subsection.

885 (c) Any surety bail bond agent who diverts or appropriates any of
886 the funds received under subsection (a) of this section for such agent's
887 own use shall be subject to the penalties for larceny under sections 53a-
888 122 to 53a-125b, inclusive, of the general statutes, depending on the
889 amount involved.

890 Sec. 21. (NEW) (*Effective October 1, 2011*) If a bail bond executed by a
891 surety bail bond agent is forfeited and such forfeiture has remained
892 unpaid for at least sixty days after the date payment has become due,
893 no such surety bail bond agent or insurer that appointed such agent
894 shall execute a bail bond in this state until the full amount of the
895 forfeited bail bond is paid to the Office of the Chief State's Attorney in
896 accordance with procedures set forth by said office.

897 Sec. 22. Subsection (b) of section 54-64a of the general statutes is
898 repealed and the following is substituted in lieu thereof (*Effective*
899 *October 1, 2011*):

900 (b) (1) When any arrested person charged with the commission of a
901 class A felony, a class B felony, except a violation of section 53a-86 or
902 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
903 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
904 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136
905 or 53a-216, or a family violence crime, as defined in section 46b-38a, is
906 presented before the Superior Court, said court shall, in bailable

907 offenses, promptly order the release of such person upon the first of
908 the following conditions of release found sufficient to reasonably
909 assure the appearance of the arrested person in court and that the
910 safety of any other person will not be endangered: (A) Upon such
911 person's execution of a written promise to appear without special
912 conditions, (B) upon such person's execution of a written promise to
913 appear with nonfinancial conditions, (C) upon such person's execution
914 of a bond without surety in no greater amount than necessary, (D)
915 upon such person's execution of a bond with surety in no greater
916 amount than necessary. In addition to or in conjunction with any of the
917 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
918 subdivision, the court may, when it has reason to believe that the
919 person is drug-dependent and where necessary, reasonable and
920 appropriate, order the person to submit to a urinalysis drug test and to
921 participate in a program of periodic drug testing and treatment. The
922 results of any such drug test shall not be admissible in any criminal
923 proceeding concerning such person.

924 (2) The court may, in determining what conditions of release will
925 reasonably assure the appearance of the arrested person in court and
926 that the safety of any other person will not be endangered, consider the
927 following factors: (A) The nature and circumstances of the offense, (B)
928 such person's record of previous convictions, (C) such person's past
929 record of appearance in court after being admitted to bail, (D) such
930 person's family ties, (E) such person's employment record, (F) such
931 person's financial resources, character and mental condition, (G) such
932 person's community ties, (H) the number and seriousness of charges
933 pending against the arrested person, (I) the weight of the evidence
934 against the arrested person, (J) the arrested person's history of
935 violence, (K) whether the arrested person has previously been
936 convicted of similar offenses while released on bond, and (L) the
937 likelihood based upon the expressed intention of the arrested person
938 that such person will commit another crime while released.

939 (3) When imposing conditions of release under this subsection that

940 will reasonably assure the appearance of the arrested person in court
941 and that the safety of any other person, including, but not limited to,
942 the victim, will not be endangered, the court shall state for the record
943 any factors under subdivision (2) of this subsection that it considered
944 and the findings that it made as to the danger, if any, that the arrested
945 person might pose to the safety of any other person, including, but not
946 limited to, the victim, upon the arrested person's release that caused
947 the court to impose the specific conditions of release that it imposed.

948 Sec. 23. (*Effective from passage*) (a) There is established a task force for
949 the purpose of developing a state-wide law enforcement model policy
950 for use by law enforcement agencies when responding to incidents of
951 family violence. Such model policy shall include procedures for
952 responding to violations of restraining and protective orders and
953 protocols for arrests pursuant to section 46b-38b of the general statutes,
954 as amended by this act.

955 (b) The task force shall consist of the following members:

956 (1) One appointed by the speaker of the House of Representatives;

957 (2) One appointed by the president pro tempore of the Senate;

958 (3) One appointed by the minority leader of the House of
959 Representatives;

960 (4) One appointed by the minority leader of the Senate;

961 (5) One appointed by the Governor;

962 (6) One representative of the Police Officer Standards and Training
963 Council with experience in domestic violence training, appointed by
964 the chairperson of the council;

965 (7) One representative of the Office of the Chief State's Attorney,
966 appointed by the Chief State's Attorney;

967 (8) One representative of the Office of the Chief Public Defender,

968 appointed by the Chief Public Defender;

969 (9) One representative of the Office of the Victim Advocate,
970 appointed by the Victim Advocate;

971 (10) One representative of the Division of State Police with
972 experience in domestic violence training, appointed by the
973 Commissioner of Public Safety;

974 (11) One judge of the Superior Court assigned to hear criminal
975 matters, appointed by the Chief Court Administrator;

976 (12) One victim of domestic violence, one victim advocate with in-
977 court experience in domestic violence matters, and one representative
978 of the Connecticut Coalition Against Domestic Violence, each
979 appointed by the executive director of the Connecticut Coalition
980 Against Domestic Violence; and

981 (13) One representative of a state-wide organization providing legal
982 services to the poor.

983 (c) Any member of the task force appointed under subdivision (1),
984 (2), (3) or (4) of subsection (b) of this section may be a member of the
985 General Assembly.

986 (d) All appointments to the task force shall be made not later than
987 thirty days after the effective date of this section. Any vacancy shall be
988 filled by the appointing authority.

989 (e) The members of the task force shall select two chairpersons of
990 the task force from among the members of the task force. Such
991 chairpersons shall schedule the first meeting of the task force, which
992 shall be held not later than sixty days after the effective date of this
993 section.

994 (f) The administrative staff of the joint standing committee of the
995 General Assembly having cognizance of matters relating to the

996 judiciary shall serve as administrative staff of the task force.

997 (g) Not later than December 1, 2011, the task force shall submit a
998 report detailing its recommendations for a model policy and
999 implementation plan to the joint standing committee of the General
1000 Assembly having cognizance of matters relating to the judiciary, in
1001 accordance with the provisions of section 11-4a of the general statutes.
1002 The task force shall terminate on the date that it submits such report or
1003 January 1, 2012, whichever is later.

1004 Sec. 24. (*Effective from passage*) (a) The Chief Court Administrator
1005 shall conduct an assessment of any training programs for judges and
1006 Judicial Branch staff related to family violence, including, but not
1007 limited to, the ongoing training program for judges, Court Support
1008 Services Division personnel and clerks established in subsection (j) of
1009 section 46b-38c of the general statutes, as amended by this act. At a
1010 minimum, such assessment shall compare such training programs to
1011 those of other northeastern states.

1012 (b) The Chief Court Administrator shall assess the effectiveness of
1013 the pretrial family violence education program established in section
1014 46b-38c, as amended by this act. The assessment shall compare such
1015 program to pretrial diversionary domestic violence programs used in
1016 other northeastern states. The Chief Court Administrator shall also
1017 determine the feasibility and cost of extending the pretrial family
1018 education program beyond the nine weeks currently provided, and the
1019 feasibility and cost of extending programs known as EVOLVE and
1020 EXPLORE to all regions of the state.

1021 (c) Not later than January 1, 2012, the Chief Court Administrator
1022 shall submit a report on the assessments, feasibility and costs under
1023 subsections (a) and (b) of this section to the joint standing committee of
1024 the General Assembly having cognizance of matters relating to the
1025 judiciary, in accordance with section 11-4a of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	46b-15
Sec. 2	<i>October 1, 2011</i>	46b-38a
Sec. 3	<i>October 1, 2011</i>	46b-38b
Sec. 4	<i>October 1, 2011</i>	46b-38c
Sec. 5	<i>October 1, 2011</i>	51-5c
Sec. 6	<i>October 1, 2011</i>	53a-40e(a)
Sec. 7	<i>October 1, 2011</i>	54-216
Sec. 8	<i>October 1, 2011</i>	4-165
Sec. 9	<i>July 1, 2011</i>	51-181e
Sec. 10	<i>October 1, 2011</i>	29-36k
Sec. 11	<i>October 1, 2011</i>	29-36n
Sec. 12	<i>October 1, 2011</i>	53a-223
Sec. 13	<i>October 1, 2011</i>	53a-223a
Sec. 14	<i>October 1, 2011</i>	53a-223b
Sec. 15	<i>October 1, 2011</i>	54-84a
Sec. 16	<i>October 1, 2011</i>	38a-660(a)
Sec. 17	<i>October 1, 2011</i>	38a-660(k)
Sec. 18	<i>October 1, 2011</i>	New section
Sec. 19	<i>October 1, 2011</i>	New section
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	New section
Sec. 22	<i>October 1, 2011</i>	54-64a(b)
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section

Statement of Purpose:

To adopt the recommendations of the legislative task force on domestic 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.]