



General Assembly

Substitute Bill No. 6629

January Session, 2011

* _____HB06629INS___051911_____*

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 Section 46b-15 of the general statutes is repealed and the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, stalking, a pattern of verbal
6 intimidation or a pattern of threatening, by another family or
7 household member [or person in, or has recently been in, a dating
8 relationship who has been subjected to a continuous threat of present
9 physical pain or physical injury by the other person in such
10 relationship] may make an application to the Superior Court for relief
11 under this section.

12 (b) The application form shall allow the applicant, at the applicant's
13 option, to indicate whether the respondent holds a permit to carry a
14 pistol or revolver or possesses one or more firearms. The application
15 shall be accompanied by an affidavit made under oath which includes
16 a brief statement of the conditions from which relief is sought. Upon
17 receipt of the application the court shall order that a hearing on the
18 application be held not later than fourteen days from the date of the
19 order. The court, in its discretion, may make such orders as it deems
20 appropriate for the protection of the applicant and such dependent

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

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

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

52 (e) The applicant shall cause notice of the hearing pursuant to
53 subsection (b) of this section and a copy of the application and the

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

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

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

88 court deems appropriate.

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

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

93 For the purposes of sections 46b-38a to 46b-38f, inclusive, as
94 amended by this act:

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

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

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

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

118 assist victims and families.

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

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

140 (b) No peace officer investigating an incident of family violence
141 shall threaten, suggest or otherwise indicate the arrest of all parties for
142 the purpose of discouraging requests for law enforcement intervention
143 by any party. Where complaints are made by two or more opposing
144 parties, the officer shall evaluate each complaint separately to
145 determine whether such officer should make an arrest or seek a
146 warrant for an arrest. Notwithstanding the provisions of subsection (a)
147 of this section, when a peace officer reasonably believes that a party in
148 an incident of family violence has used force as a means of self
149 defense, such officer is not required to arrest such party under this
150 section.

151 (c) No peace officer shall be held liable in any civil action regarding
152 personal injury or injury to property brought by any party to a family
153 violence incident for an arrest based on probable cause or for any
154 conditions of release imposed pursuant to subsection (b) of section 54-
155 63c.

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

171 (e) (1) Each law enforcement agency shall develop, in conjunction
172 with the Division of Criminal Justice, and implement specific
173 operational guidelines for arrest policies in family violence incidents.
174 Such guidelines shall include, but not be limited to: (A) Procedures for
175 the conduct of a criminal investigation; (B) procedures for arrest and
176 for victim assistance by peace officers; (C) education as to what
177 constitutes speedy information in a family violence incident; (D)
178 procedures with respect to the provision of services to victims; and (E)
179 such other criteria or guidelines as may be applicable to carry out the
180 purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to
181 46b-38f, inclusive, as amended by this act, and 54-1g. Such procedures
182 shall be duly promulgated by such law enforcement agency.

183 (2) On and after July 1, 2010, each law enforcement agency shall

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

193 (f) The Police Officer Standards and Training Council, in
194 conjunction with the Division of Criminal Justice, shall establish an
195 education and training program for law enforcement officers,
196 supervisors and state's attorneys on the handling of family violence
197 incidents. Training under such program shall: (1) Stress the
198 enforcement of criminal law in family violence cases and the use of
199 community resources, and include training for peace officers at both
200 recruit and in-service levels; and (2) include, but not be limited to: (A)
201 The nature, extent and causes of family violence; (B) legal rights of and
202 remedies available to victims of family violence and persons accused
203 of family violence; (C) services and facilities available to victims and
204 batterers; (D) legal duties imposed on police officers to make arrests
205 and to offer protection and assistance, including applicable probable
206 cause standards; and (E) techniques for handling incidents of family
207 violence that minimize the likelihood of injury to the officer and
208 promote the safety of the victim. On and after July 1, 2010, training
209 under such program shall also include, within available
210 appropriations, information on (i) the impact of arrests of multiple
211 parties in a family violence case on the immigration status of the
212 parties; (ii) crime scene investigation and evaluation practices in family
213 violence cases designed by the council to reduce the number of
214 multiple arrests in family violence cases; and (iii) practical
215 considerations in the application of state statutes related to family
216 violence. On and after July 1, 2010, such training shall also address,
217 within available appropriations, eligibility for federal T Visas for

218 victims of human trafficking and federal U Visas for unauthorized
219 immigrants who are victims of family violence and other crimes.

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

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

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

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

240 (c) Each such local family violence intervention unit shall: (1) Accept
241 referrals of family violence cases from a judge or prosecutor, (2)
242 prepare written or oral reports on each case for the court by the next
243 court date to be presented at any time during the court session on that
244 date, (3) provide or arrange for services to victims and offenders, (4)
245 administer contracts to carry out such services, and (5) establish
246 centralized reporting procedures. All information provided to a family
247 relations counselor, family relations counselor trainee or family
248 services supervisor employed by the Judicial [Branch] Department in a
249 local family violence intervention unit shall be used solely for the

250 purposes of preparation of the report and the protective order forms
251 for each case and recommendation of services and shall otherwise be
252 confidential and retained in the files of such unit and not be subject to
253 subpoena or other court process for use in any other proceeding or for
254 any other purpose, except that a family relations counselor, family
255 relations counselor trainee or family services supervisor employed by
256 the Judicial [Branch] Department:

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

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

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

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

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

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

281 (G) May disclose, after a conviction in a family violence case, to a
282 probation officer for the purpose of preparing a presentence
283 investigation report, any information regarding the defendant that has
284 been provided to the family relations counselor, family relations
285 counselor trainee or family services supervisor in the case or in any
286 other case that resulted in the conviction of the defendant;

287 (H) May disclose to any organization under contract with the
288 Judicial Department to provide family violence programs and services,
289 for the purpose of determining program and service needs,
290 information regarding any defendant who is a client of such
291 organization, provided no information that personally identifies the
292 victim may be disclosed to such organization; and

293 ~~[(G)]~~ (I) [The family relations counselor, family relations counselor
294 trainee or family services supervisor shall] Shall disclose such
295 information as may be necessary to fulfill such counselor's, trainee's or
296 supervisor's duty as a mandated reporter under section 17a-101a to
297 report suspected child abuse or neglect.

298 (d) In all cases of family violence, a written or oral report and
299 recommendation of the local family violence intervention unit shall be
300 available to a judge at the first court date appearance to be presented at
301 any time during the court session on that date. A judge of the Superior
302 Court may consider and impose the following conditions to protect the
303 parties, including, but not limited to: (1) Issuance of a protective order
304 pursuant to subsection (e) of this section; (2) prohibition against
305 subjecting the victim to further violence; (3) referral to a family
306 violence education program for batterers; and (4) immediate referral
307 for more extensive case assessment. Such protective order shall be an
308 order of the court, and the clerk of the court shall cause (A) a copy of
309 such order to be sent to the victim, and (B) a copy of such order, or the
310 information contained in such order, to be sent by facsimile or other
311 means within forty-eight hours of its issuance to the law enforcement
312 agency for the town in which the victim resides and, if the defendant
313 resides in a town different from the town in which the victim resides,

314 to the law enforcement agency for the town in which the defendant
315 resides. If the victim is employed in a town different from the town in
316 which the victim resides, the clerk of the court shall, upon the request
317 of the victim, send, by facsimile or other means, a copy of such order,
318 or the information contained in such order, to the law enforcement
319 agency for the town in which the victim is employed within forty-eight
320 hours of the issuance of such order.

321 (e) A protective order issued under this section may include
322 provisions necessary to protect the victim from threats, harassment,
323 injury or intimidation by the defendant, including, but not limited to,
324 an order enjoining the defendant from (1) imposing any restraint upon
325 the person or liberty of the victim, (2) threatening, harassing,
326 assaulting, molesting or sexually assaulting the victim, or (3) entering
327 the family dwelling or the dwelling of the victim. A protective order
328 issued under this section may include provisions necessary to protect
329 any animal owned or kept by the victim including, but not limited to,
330 an order enjoining the defendant from injuring or threatening to injure
331 such animal. Such order shall be made a condition of the bail or release
332 of the defendant and shall contain the following [language]
333 notification: "In accordance with section 53a-223 of the Connecticut
334 general statutes, any violation of this order constitutes criminal
335 violation of a protective order which is punishable by a term of
336 imprisonment of not more than five years, a fine of not more than five
337 thousand dollars, or both. Additionally, in accordance with section
338 53a-107 of the Connecticut general statutes, entering or remaining in a
339 building or any other premises in violation of this order constitutes
340 criminal trespass in the first degree which is punishable by a term of
341 imprisonment of not more than one year, a fine of not more than two
342 thousand dollars, or both. Violation of this order also violates a
343 condition of your bail or release, and may result in raising the amount
344 of bail or revoking release." Every order of the court made in
345 accordance with this section after notice and hearing shall [also contain
346 the following language: "This order is accorded full faith and credit
347 pursuant to 18 USC Section 2265, as amended from time to time."] be

348 accompanied by a notification that is consistent with the full faith and
349 credit provisions set forth in 18 USC 2265(a), as amended from time to
350 time. The information contained in and concerning the issuance of any
351 protective order issued under this section shall be entered in the
352 registry of protective orders pursuant to section 51-5c.

353 (f) The Judicial [Branch] Department may establish, within available
354 appropriations, a pilot program in three judicial districts for the
355 purpose of using electronic monitoring in accordance with this
356 subsection. Such pilot program shall be conducted in at least one
357 judicial district that contains an urban area, as defined in section 4b-13,
358 and at least one judicial district that does not contain such an urban
359 area. Pursuant to such pilot program, the court may order that any
360 person appearing in such judicial district who is charged with the
361 violation of a restraining order or a protective order, and who has been
362 determined to be a high-risk offender by the family violence
363 intervention unit, be subject to electronic monitoring designed to warn
364 law enforcement agencies, a state-wide information collection center
365 and the victim when the person is within a specified distance of the
366 victim, if the court finds that such electronic monitoring is necessary to
367 protect the victim, provided the cost of such electronic monitoring is
368 paid by the person who is subject to such electronic monitoring,
369 subject to guidelines established by the Chief Court Administrator. If
370 the court orders that such person be subject to electronic monitoring,
371 the clerk of the court shall send, by facsimile or other means, a copy of
372 the order, or the information contained in any such order, to the law
373 enforcement agency or agencies for the town in which the person
374 resides. The Judicial [Branch] Department shall cease operation of any
375 pilot program established under this subsection not later than March
376 31, 2011, unless resources are available to continue operation of the
377 pilot program.

378 (g) In cases referred to the local family violence intervention unit, it
379 shall be the function of the unit to (1) identify victim service needs and,
380 by contract with victim service providers, make available appropriate
381 services, and (2) identify appropriate offender services and where

382 possible, by contract, provide treatment programs for offenders.

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

415 (2) The court, on such motion, may refer the defendant to the family

416 violence intervention unit, and may continue the defendant's case
417 pending the submission of the report of the unit to the court. The court
418 shall also give notice to the victim or victims that the defendant has
419 requested assignment to the family violence education program, and,
420 where possible, give the victim or victims opportunity to be heard.
421 Any defendant who accepts placement in the family violence
422 education program shall agree to the tolling of any statute of
423 limitations with respect to the crime or crimes with which the
424 defendant is charged, and to a waiver of the defendant's right to a
425 speedy trial. Any such defendant shall appear in court and shall be
426 released to the custody of the family violence intervention unit for
427 such period, not exceeding two years, and under such conditions as
428 the court shall order. If the defendant refuses to accept, or, having
429 accepted, violates such conditions, the defendant's case shall be
430 brought to trial. If [the] a defendant who did not enter a conditional
431 plea under subdivision (1) of this subsection satisfactorily completes
432 the family violence education program and complies with the
433 conditions imposed for the period set by the court, the defendant may
434 apply for dismissal of the charges against the defendant and the court,
435 on finding satisfactory compliance, shall dismiss such charges.

436 (3) Upon dismissal of charges under this subsection, all records of
437 such charges shall be erased pursuant to section 54-142a.

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

444 (j) The Judicial Department shall establish an ongoing training
445 program for judges, Court Support Services Division personnel and
446 clerks to inform them about the policies and procedures of sections
447 46b-1, 46b-15, as amended by this act, 46b-38a to 46b-38f, inclusive, as
448 amended by this act, and 54-1g, including, but not limited to, the

449 function of the family violence intervention units and the use of
450 restraining and protective orders.

451 Sec. 5. Subsection (a) of section 53a-40e of the general statutes is
452 repealed and the following is substituted in lieu thereof (*Effective*
453 *October 1, 2011*):

454 (a) If any person is convicted of (1) a violation of subdivision (1) or
455 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
456 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
457 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,
458 53a-223, as amended by this act, 53a-223a, as amended by this act, or
459 53a-223b, as amended by this act, or attempt or conspiracy to violate
460 any of said sections or section 53a-54a, against a family or household
461 member, as defined in section 46b-38a, as amended by this act, or (2)
462 any crime that the court determines constitutes a family violence
463 crime, as defined in section 46b-38a, as amended by this act, or attempt
464 or conspiracy to commit any such crime, the court may, in addition to
465 imposing the sentence authorized for the crime under section 53a-35a
466 or 53a-36, if the court is of the opinion that the history and character
467 and the nature and circumstances of the criminal conduct of such
468 offender indicate that a standing criminal protective order will best
469 serve the interest of the victim and the public, issue a standing criminal
470 protective order which shall remain in effect for a duration specified
471 by the court until modified or revoked by the court for good cause
472 shown. If any person is convicted of any crime against a family or
473 household member, as defined in section 46b-38a, as amended by this
474 act, other than a crime specified in subdivision (1) or (2) of this
475 subsection, the court may, for good cause shown, issue a standing
476 criminal protective order pursuant to this subsection.

477 Sec. 6. Section 54-216 of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective October 1, 2011*):

479 (a) The Office of Victim Services or, on review, a victim
480 compensation commissioner may order that services be provided for

481 the restitution of any person eligible for such services in accordance
482 with the provisions of sections 54-201 to 54-233, inclusive. Such
483 services may include but shall not be limited to medical, psychiatric,
484 psychological and social services and social rehabilitation services.

485 (b) The Office of Victim Services or, on review, a victim
486 compensation commissioner may order that such restitution services
487 be provided to victims of child abuse and members of their families,
488 victims of sexual assault and members of their families, victims of
489 domestic violence and members of their families, and members of the
490 family of any victim of homicide. For the purposes of this subsection,
491 "members of their families" or "member of the family" does not include
492 the person responsible for such child abuse, sexual assault, domestic
493 violence or homicide.

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

496 Sec. 7. Section 4-165 of the general statutes is repealed and the
497 following is substituted in lieu thereof (*Effective October 1, 2011*):

498 (a) No state officer or employee shall be personally liable for
499 damage or injury, not wanton, reckless or malicious, caused in the
500 discharge of his or her duties or within the scope of his or her
501 employment. Any person having a complaint for such damage or
502 injury shall present it as a claim against the state under the provisions
503 of this chapter.

504 (b) For the purposes of this section, (1) "scope of employment"
505 includes but is not limited to, (A) representation by an attorney
506 appointed by the Public Defender Services Commission as a public
507 defender, assistant public defender or deputy assistant public defender
508 or an attorney appointed by the court as a special assistant public
509 defender of an indigent accused or of a child on a petition of
510 delinquency, (B) representation by such other attorneys, referred to in
511 section 4-141, of state officers and employees in actions brought
512 against such officers and employees in their official and individual

513 capacities, (C) the discharge of duties as a trustee of the state
514 employees retirement system, (D) the discharge of duties of a
515 commissioner of the Superior Court hearing small claims matters or
516 acting as a fact-finder, arbitrator or magistrate or acting in any other
517 quasi-judicial position, (E) the discharge of duties of a person
518 appointed to a committee established by law for the purpose of
519 rendering services to the Judicial Department, including, but not
520 limited to, the Legal Specialization Screening Committee, the State-
521 Wide Grievance Committee, the Client Security Fund Committee, the
522 advisory committee appointed pursuant to section 51-81d and the
523 State Bar Examining Committee, [and] (F) military duty performed by
524 the armed forces of the state while under state active duty, and (G)
525 representation by an individual appointed by the Commission on
526 Child Protection, or by the court, as a guardian ad litem or attorney for
527 a party in a neglect, abuse, termination of parental rights, delinquency
528 or family with service needs proceeding; provided the actions
529 described in subparagraphs (A) to [(F)] (G), inclusive, of this
530 subdivision arise out of the discharge of the duties or within the scope
531 of employment of such officers or employees, and (2) "state employee"
532 includes a member or employee of the soil and water district boards
533 established pursuant to section 22a-315.

534 Sec. 8. Section 51-181e of the general statutes is repealed and the
535 following is substituted in lieu thereof (*Effective July 1, 2011*):

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

539 (b) Not later than December 31, 2010, the Chief Court Administrator
540 shall identify geographical areas that do not have a domestic violence
541 docket and designate three geographical areas from among such
542 geographical areas for the establishment of domestic violence dockets.
543 Not later than June 30, 2011, the Chief Court Administrator may
544 establish, within available resources, a domestic violence docket in
545 each geographical area so designated under this subsection. If the

546 Chief Court Administrator establishes such dockets, the Chief Court
547 Administrator shall, prior to establishing such dockets, examine the
548 effectiveness of domestic violence dockets in existence prior to June 7,
549 2010, and incorporate, within available resources, the operational
550 elements of such dockets that the Chief Court Administrator deems
551 beneficial to victims of family violence. If the Chief Court
552 Administrator does not establish such dockets by June 30, 2011, the
553 Chief Court Administrator shall submit a report, in accordance with
554 section 11-4a, to the joint standing committee of the General Assembly
555 having cognizance of matters relating to the judiciary, stating the
556 reasons why such dockets were not established.

557 (c) Not later than December 31, 2011, the Chief Court Administrator
558 shall identify each geographical area that does not have a domestic
559 violence docket and designate six geographical areas from among such
560 geographical areas for the establishment of domestic violence dockets.
561 Not later than June 30, 2012, the Chief Court Administrator shall
562 establish, within available resources, a domestic violence docket in the
563 geographical areas so designated under this subsection. Not later than
564 July 15, 2012, the Chief Court Administrator shall submit a report, in
565 accordance with section 11-4a, to the joint standing committee of the
566 General Assembly having cognizance of matters relating to the
567 judiciary, indicating the geographical areas so designated and the
568 progress made in establishing such dockets pursuant to this
569 subsection.

570 Sec. 9. Section 29-36k of the general statutes is repealed and the
571 following is substituted in lieu thereof (*Effective October 1, 2011*):

572 (a) Not later than two business days after the occurrence of any
573 event that makes a person ineligible to possess a pistol or revolver or
574 other firearm, such person shall (1) transfer in accordance with section
575 29-33 all pistols and revolvers which such person then possesses to any
576 person eligible to possess a pistol or revolver and transfer in
577 accordance with any applicable state and federal laws all other
578 firearms to any person eligible to possess such other firearms by

579 obtaining an authorization number for the sale or transfer of the
580 firearm from the Commissioner of Public Safety, and submit a sale or
581 transfer of firearms form to said commissioner within two business
582 days, except no person described in subdivision (3) of subsection (a) of
583 section 53a-217 may transfer a pistol or revolver pursuant to this
584 subdivision, or (2) deliver or surrender such pistols and revolvers and
585 other firearms to the Commissioner of Public Safety. The commissioner
586 shall exercise due care in the receipt and holding of such pistols and
587 revolvers and other firearms. For the purposes of this section, a
588 "person described in subdivision (3) of subsection (a) of section 53a-
589 217" means a person described in said subdivision, regardless of
590 whether such person was convicted under said subdivision.

591 (b) [Such] Except for a person described in subdivision (3) of
592 subsection (a) of section 53a-217, such person, or such person's legal
593 representative, may, at any time up to one year after such delivery or
594 surrender, transfer such pistols and revolvers in accordance with the
595 provisions of section 29-33 to any person eligible to possess a pistol or
596 revolver and transfer such other firearms in accordance with any
597 applicable state and federal laws to any person eligible to possess such
598 other firearms. Upon notification in writing by the transferee and such
599 person, the Commissioner of Public Safety shall within ten days
600 deliver such pistols and revolvers or other firearms to the transferee. If,
601 at the end of such year, such pistols and revolvers or other firearms
602 have not been so transferred, the commissioner shall cause them to be
603 destroyed.

604 (c) Any person who fails to transfer, deliver or surrender any such
605 pistols and revolvers and other firearms as provided in this section
606 shall be subject to the penalty provided for in section 53a-217 or 53a-
607 217c.

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

610 (a) The Commissioner of Public Safety, in conjunction with the Chief

611 State's Attorney and the Connecticut Police Chiefs Association, shall
612 develop a protocol to ensure that persons who become ineligible to
613 possess a pistol or revolver have, in accordance with section 29-36k, as
614 amended by this act, transferred such pistol or revolver to a person
615 eligible to possess such pistol or revolver or have delivered or
616 surrendered such pistol or revolver to said commissioner.

617 (b) The Commissioner of Public Safety, in conjunction with the
618 Chief State's Attorney and the Connecticut Police Chiefs Association,
619 shall update the protocol developed pursuant to subsection (a) of this
620 section to reflect the provisions of sections 29-7h, 29-28, 29-28a, 29-29,
621 29-30, 29-32 and 29-35, subsections (b) and (e) of section 46b-15, as
622 amended by this act, subsections (c) and (d) of section 46b-38c, as
623 amended by this act, and sections 53-202a, 53-202l, 53-202m and 53a-
624 217 and shall include in such protocol specific instructions for the
625 transfer, delivery or surrender of pistols and revolvers when the
626 assistance of more than one law enforcement agency is necessary to
627 effect the requirements of section 29-36k, as amended by this act.

628 Sec. 11. Section 53a-223 of the general statutes is repealed and the
629 following is substituted in lieu thereof (*Effective October 1, 2011*):

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

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

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

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

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

646 (b) No person who is listed as a protected person in such standing
647 criminal protective order may be criminally liable for (1) soliciting,
648 requesting, commanding, importuning or intentionally aiding in the
649 violation of the standing criminal protective order pursuant to
650 subsection (a) of section 53a-8, or (2) conspiracy to violate such
651 standing criminal protective order pursuant to section 53a-48.

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

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

656 (a) A person is guilty of criminal violation of a restraining order
657 when (1) (A) a restraining order has been issued against such person
658 pursuant to section 46b-15, as amended by this act, or (B) a foreign
659 order of protection, as defined in section 46b-15a, has been issued
660 against such person in a case involving the use, attempted use or
661 threatened use of physical force against another, and (2) such person,
662 having knowledge of the terms of the order, (A) does not stay away
663 from a person or place in violation of the order, (B) contacts a person in
664 violation of the order, (C) imposes any restraint upon the person or
665 liberty of a person in violation of the order, or (D) threatens, harasses,
666 assaults, molests, sexually assaults or attacks a person in violation of
667 the order.

668 (b) No person who is listed as a protected person in such restraining
669 order or foreign order of protection may be criminally liable for (1)
670 soliciting, requesting, commanding, importuning or intentionally
671 aiding in the violation of the restraining order or foreign order
672 pursuant to subsection (a) of section 53a-8, or (2) conspiracy to violate
673 such restraining order or foreign order of protection pursuant to

674 section 53a-48.

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

676 Sec. 14. Section 54-84a of the general statutes is repealed and the
677 following is substituted in lieu thereof (*Effective October 1, 2011*):

678 [If any person on trial for crime has a husband or wife, he or she
679 shall be a competent witness but may elect or refuse to testify for or
680 against the accused, except that either spouse who has received
681 personal violence from the other or is the spouse of one who is charged
682 with violation of any of sections 53-20, 53-21, 53-23, 53-304, 53a-70, 53a-
683 70a, 53a-71 and 53a-83 to 53a-88, inclusive, may, upon his or her trial
684 for offenses arising out of such personal violence or from violation of
685 the provisions of any of said sections, be compelled to testify in the
686 same manner as any other witness.]

687 (a) Except as provided in subsection (b) of this section, in any
688 criminal proceeding, a person may elect or refuse to testify against his
689 or her then lawful spouse.

690 (b) The testimony of a spouse may be compelled, in the same
691 manner as for any other witness, in a criminal proceeding against the
692 other spouse for (1) joint participation with the spouse in ongoing or
693 future criminal conduct, (2) bodily injury, sexual assault or other
694 violence attempted, committed or threatened upon the spouse, or (3)
695 bodily injury, sexual assault, risk of injury pursuant to section 53-21, or
696 other violence attempted, committed or threatened upon the minor
697 child of either spouse, or any minor child in the care or custody of
698 either spouse.

699 Sec. 15. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this
700 section, "confidential communication" means any oral or written
701 communication made between spouses during a marriage that is
702 intended to be confidential and is induced by the affection, confidence,
703 loyalty and integrity of the marital relationship.

704 (b) Except as provided in subsection (c) of this section, in any
705 criminal proceeding, a spouse shall not be (1) required to testify to a
706 confidential communication made by one spouse to the other during
707 the marriage, or (2) allowed to testify to a confidential communication
708 made by one spouse to the other during the marriage without the
709 consent of the other spouse, if living.

710 (c) The testimony of a spouse regarding a confidential
711 communication may be compelled, in the same manner as for any
712 other witness, in a criminal proceeding against the other spouse for (1)
713 joint participation with the spouse in ongoing or future criminal
714 conduct, (2) bodily injury, sexual assault or other violence attempted,
715 committed or threatened upon the spouse, or (3) bodily injury, sexual
716 assault, risk of injury pursuant to section 53-21 of the general statutes,
717 or other violence attempted, committed or threatened upon the minor
718 child of either spouse, or any minor child in the care or custody of
719 either spouse.

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

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

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

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

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

733 (4) "License" means a surety bail bond agent license issued by the

734 commissioner to a qualified individual as provided in this section;

735 (5) "Solicit" includes any written or printed presentation or
736 advertising made by mail or other publication, or any oral presentation
737 or advertising in person or by means of telephone, radio or television
738 which implies that an individual is licensed under this section, and any
739 activity in arranging for bail which results in compensation to the
740 individual conducting that activity;

741 (6) "Disqualifying offense" means: (A) A felony; or (B) a
742 misdemeanor if an element of the offense involves dishonesty or
743 misappropriation of money or property; and

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

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

751 (k) (1) To further the enforcement of this section and sections 18 to
752 21, inclusive, of this act and to determine the eligibility of any licensee,
753 the commissioner may, as often as [he] the commissioner deems
754 necessary, examine the books and records of any such licensee. Each
755 person licensed as a surety bail bond agent in this state shall, on or
756 before January thirty-first, annually, pay to the commissioner a fee of
757 four hundred fifty dollars to cover the cost of examinations under this
758 subsection.

759 (2) The fees received by the commissioner pursuant to subdivision
760 (1) of this subsection shall be used to conduct examinations under
761 subdivision (1) of this subsection and shall be deposited in the account
762 established in subdivision (3) of this subsection.

763 (3) There is established an account to be known as the "surety bail

764 bond agent examination account", which shall be a separate,
765 nonlapsing account within the Insurance Fund established under
766 section 38a-52a. The account shall contain any moneys required by law
767 to be deposited in the account and any such moneys remaining in the
768 account at the close of the fiscal year shall be transferred to the General
769 Fund.

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

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

782 (c) Each insurer shall semiannually conduct an audit, for the period
783 from January first to June thirtieth and from July first to December
784 thirty-first, of each of its appointed surety bail bond agents to ensure
785 such agents are charging the premium rate as required by subsection
786 (a) of this section. Not later than forty-five days after the closing period
787 of each audit, each insurer shall notify the commissioner of the failure
788 of any surety bail bond agent to charge the premium rate approved by
789 the commissioner pursuant to chapter 701 of the general statutes. Such
790 notice shall include the name of the surety bail bond agent, the case
791 docket number if assigned, the total amount of the bail bond, the date
792 the bail bond was executed, the five-digit identification code assigned
793 to the insurer by the National Association of Insurance Commissioners
794 and the date the premium was due.

795 (d) Not later than January thirty-first, annually, each insurer shall

796 file with the commissioner a statement certifying the total amount of
797 bail bonds executed by such insurer and the total amount of premiums
798 collected by such insurer on such bail bonds in the calendar year
799 preceding.

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

803 Sec. 19. (NEW) (*Effective October 1, 2011*) (a) A surety bail bond agent
804 may enter into a premium financing arrangement with a principal or
805 any indemnitor in which such surety bail bond agent extends credit to
806 such principal or indemnitor.

807 (b) If a surety bail bond agent enters into a premium financing
808 arrangement, the surety bail bond agent shall require (1) the principal
809 on the bail bond or any indemnitor to make a minimum down
810 payment of thirty-five per cent of the premium due, at the premium
811 rate approved by the commissioner pursuant to chapter 701 of the
812 general statutes, and (2) the principal and any indemnitor to execute a
813 promissory note for the balance of the premium due. Such promissory
814 note shall provide that such balance shall be paid not later than fifteen
815 months after the date of the execution of the bail bond. If such balance
816 has not been paid in full to the surety bail bond agent by the due date
817 or a payment due under such arrangement is more than sixty days in
818 arrears, such surety bail bond agent shall file a civil action seeking
819 appropriate relief with the court not later than seventy-five days after
820 such due date. The surety bail bond agent shall make a diligent effort
821 to obtain judgment after filing such civil action on such promissory
822 note unless good cause is shown for failure to obtain judgment,
823 including, but not limited to, the filing for bankruptcy by the principal
824 or the indemnitor or failure to serve process despite good-faith efforts.

825 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) All premiums, including
826 any part of a premium that a surety bail bond agent is obligated to
827 return to a principal or indemnitor, and other funds belonging to

828 insurers or others that are received by a surety bail bond agent in
829 performing such agent's duties as a surety bail bond agent, shall be
830 deemed trust funds received by such agent in a fiduciary capacity.
831 Such agent shall account for and pay such funds to the insurer or
832 persons entitled to such funds pursuant to the surety bail bond agent's
833 contract with the insurer or managing general agent. No fees, expenses
834 or charges of any kind shall be deducted from any premium the surety
835 bail bond agent is obligated to return to a principal or indemnitor,
836 except as authorized under this section and sections 18 and 19 of this
837 act.

838 (b) A surety bail bond agent shall keep and make available to the
839 commissioner or the commissioner's designee any books, accounts and
840 records as necessary to enable the commissioner to determine whether
841 such agent is complying with the provisions of sections 18 to 21,
842 inclusive, of this act. A surety bail bond agent shall preserve the books,
843 accounts and records pertaining to a premium payment for at least
844 three years after making such payment. Records that are preserved by
845 photographic or digital reproduction or records that are in
846 photographic or digital form shall be deemed to be in compliance with
847 this subsection.

848 (c) Any surety bail bond agent who diverts or appropriates any of
849 the funds received under subsection (a) of this section for such agent's
850 own use shall be subject to the penalties for larceny under sections 53a-
851 122 to 53a-125b, inclusive, of the general statutes, depending on the
852 amount involved.

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

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

863 (b) (1) When any arrested person charged with the commission of a
864 class A felony, a class B felony, except a violation of section 53a-86 or
865 53a-122, a class C felony, except a violation of section 53a-87, 53a-152
866 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c,
867 inclusive, section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136
868 or 53a-216, or a family violence crime, as defined in section 46b-38a, as
869 amended by this act, is presented before the Superior Court, said court
870 shall, in bailable offenses, promptly order the release of such person
871 upon the first of the following conditions of release found sufficient to
872 reasonably assure the appearance of the arrested person in court and
873 that the safety of any other person will not be endangered: (A) Upon
874 such person's execution of a written promise to appear without special
875 conditions, (B) upon such person's execution of a written promise to
876 appear with nonfinancial conditions, (C) upon such person's execution
877 of a bond without surety in no greater amount than necessary, (D)
878 upon such person's execution of a bond with surety in no greater
879 amount than necessary. In addition to or in conjunction with any of the
880 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
881 subdivision, the court may, when it has reason to believe that the
882 person is drug-dependent and where necessary, reasonable and
883 appropriate, order the person to submit to a urinalysis drug test and to
884 participate in a program of periodic drug testing and treatment. The
885 results of any such drug test shall not be admissible in any criminal
886 proceeding concerning such person.

887 (2) The court may, in determining what conditions of release will
888 reasonably assure the appearance of the arrested person in court and
889 that the safety of any other person will not be endangered, consider the
890 following factors: (A) The nature and circumstances of the offense, (B)
891 such person's record of previous convictions, (C) such person's past
892 record of appearance in court after being admitted to bail, (D) such
893 person's family ties, (E) such person's employment record, (F) such

894 person's financial resources, character and mental condition, (G) such
895 person's community ties, (H) the number and seriousness of charges
896 pending against the arrested person, (I) the weight of the evidence
897 against the arrested person, (J) the arrested person's history of
898 violence, (K) whether the arrested person has previously been
899 convicted of similar offenses while released on bond, and (L) the
900 likelihood based upon the expressed intention of the arrested person
901 that such person will commit another crime while released.

902 (3) When imposing conditions of release under this subsection that
903 will reasonably assure the appearance of the arrested person in court
904 and that the safety of any other person, including, but not limited to,
905 the victim, will not be endangered, the court shall state for the record
906 any factors under subdivision (2) of this subsection that it considered
907 and the findings that it made as to the danger, if any, that the arrested
908 person might pose to the safety of any other person, including, but not
909 limited to, the victim, upon the arrested person's release that caused
910 the court to impose the specific conditions of release that it imposed.

911 Sec. 23. (*Effective from passage*) (a) There is established a task force for
912 the purpose of (1) evaluating existing policies and procedures used by
913 law enforcement agencies when responding to incidents of family
914 violence and violations of restraining and protective orders, and (2)
915 developing a state-wide law enforcement model policy for use by law
916 enforcement agencies when responding to incidents of family violence
917 and violations of protective orders. Such model policy shall include
918 procedures for arrests pursuant to section 46b-38b of the general
919 statutes, as amended by this act.

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

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

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

923 (3) One appointed by the minority leader of the House of
924 Representatives;

- 925 (4) One appointed by the minority leader of the Senate;
- 926 (5) One appointed by the Governor;
- 927 (6) One representative of the Police Officer Standards and Training
928 Council with experience in domestic violence training, appointed by
929 the chairperson of the council;
- 930 (7) One representative of the Office of the Chief State's Attorney,
931 appointed by the Chief State's Attorney;
- 932 (8) One representative of the Office of the Chief Public Defender,
933 appointed by the Chief Public Defender;
- 934 (9) One representative of the Office of the Victim Advocate,
935 appointed by the Victim Advocate;
- 936 (10) One representative of the Division of State Police with
937 experience in domestic violence training, appointed by the
938 Commissioner of Public Safety;
- 939 (11) One judge of the Superior Court assigned to hear criminal
940 matters, appointed by the Chief Court Administrator;
- 941 (12) One victim of domestic violence, one victim advocate with in-
942 court experience in domestic violence matters, and one representative
943 of the Connecticut Coalition Against Domestic Violence, Inc., each
944 appointed by the executive director of the Connecticut Coalition
945 Against Domestic Violence, Inc.;
- 946 (13) One representative of the Legal Assistance Resource Center of
947 Connecticut, appointed by the executive director of said center; and
- 948 (14) One representative of the Connecticut Police Chiefs
949 Association, appointed by the president of the association.
- 950 (c) Any member of the task force appointed under subdivision (1),
951 (2), (3) or (4) of subsection (b) of this section may be a member of the
952 General Assembly.

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

956 (e) The members of the task force shall select two chairpersons of
957 the task force from among the members of the task force. Such
958 chairpersons shall schedule the first meeting of the task force, which
959 shall be held not later than sixty days after the effective date of this
960 section.

961 (f) The administrative staff of the joint standing committee of the
962 General Assembly having cognizance of matters relating to the
963 judiciary shall serve as administrative staff of the task force.

964 (g) Not later than December 1, 2011, the task force shall submit a
965 report detailing its recommendations for a model policy and
966 implementation plan to the joint standing committee of the General
967 Assembly having cognizance of matters relating to the judiciary, in
968 accordance with section 11-4a of the general statutes. The task force
969 shall terminate on the date it submits such report or January 1, 2012,
970 whichever is later.

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

979 (b) The Chief Court Administrator shall conduct a study of the
980 principles and effectiveness of the pretrial family violence education
981 program established in section 46b-38c of the general statutes, as
982 amended by this act, using a results-based accountability framework.
983 The study shall include, but not be limited to, the identification of
984 goals of the program, the identification of fundamental elements and

985 critical components of the program, an assessment of short-term and
 986 long-term outcomes of the program, an assessment of the feasibility
 987 and cost of extending the pretrial family education program beyond
 988 the nine weeks currently provided, an assessment of the feasibility and
 989 cost of extending programs known as EVOLVE and EXPLORE to all
 990 regions of the state, and a comparison of the program to pretrial
 991 diversionary domestic violence programs used in other northeastern
 992 states.

993 (c) The Chief Court Administrator shall conduct a study of the
 994 principles and effectiveness of the domestic violence dockets in this
 995 state and related contracted programs using a results-based
 996 accountability framework. The study shall include, but not be limited
 997 to, the identification of the goals, fundamental elements and critical
 998 components of the dockets, and the identification of short-term and
 999 long-term outcomes of the dockets and related contracted programs.

1000 (d) Not later than January 1, 2012, the Chief Court Administrator
 1001 shall submit a report on the assessment and studies under subsections
 1002 (a), (b) and (c) of this section to the joint standing committee of the
 1003 General Assembly having cognizance of matters relating to the
 1004 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>	53a-40e(a)
Sec. 6	<i>October 1, 2011</i>	54-216
Sec. 7	<i>October 1, 2011</i>	4-165
Sec. 8	<i>July 1, 2011</i>	51-181e
Sec. 9	<i>October 1, 2011</i>	29-36k
Sec. 10	<i>October 1, 2011</i>	29-36n
Sec. 11	<i>October 1, 2011</i>	53a-223
Sec. 12	<i>October 1, 2011</i>	53a-223a

Sec. 13	<i>October 1, 2011</i>	53a-223b
Sec. 14	<i>October 1, 2011</i>	54-84a
Sec. 15	<i>October 1, 2011</i>	New section
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

JUD *Joint Favorable Subst.*

APP *Joint Favorable*

INS *Joint Favorable*