



# House of Representatives

General Assembly

**File No. 415**

February Session, 2012

Substitute House Bill No. 5548

*House of Representatives, April 13, 2012*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING DOMESTIC VIOLENCE.***

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

1 Section 1. Subsections (a) to (d), inclusive, of section 46b-15 of the  
2 2012 supplement to the general statutes are repealed and the following  
3 is substituted in lieu thereof (*Effective October 1, 2012*):

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

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

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

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

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

49 the respondent at [his or her last known] the respondent's last-known  
50 address.

51 Sec. 2. Section 46b-38a of the 2012 supplement to the general statutes  
52 is repealed and the following is substituted in lieu thereof (*Effective*  
53 *October 1, 2012*):

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

56 (1) "Family violence" means an incident resulting in physical harm,  
57 bodily injury or assault, or an act of threatened violence that  
58 constitutes fear of imminent physical harm, bodily injury or assault,  
59 including, but not limited to, stalking or a pattern of threatening,  
60 between family or household members. Verbal abuse or argument  
61 shall not constitute family violence unless there is present danger and  
62 the likelihood that physical violence will occur.

63 (2) "Family or household member" means any of the following  
64 persons, regardless of the age of such person: (A) [spouses,] Spouses or  
65 former spouses; (B) parents [and] or their children; (C) persons  
66 [eighteen years of age or older] related by blood or marriage; (D)  
67 persons [sixteen years of age or older] other than those persons  
68 described in subparagraph (C) of this subdivision presently residing  
69 together or who have resided together; (E) persons who have a child in  
70 common regardless of whether they are or have been married or have  
71 lived together at any time; and (F) persons in, or who have recently  
72 been in, a dating relationship. [, regardless of the age of such persons.]

73 (3) "Family violence crime" means a crime as defined in section 53a-  
74 24, other than a delinquent act as defined in section 46b-120, which, in  
75 addition to its other elements, contains as an element thereof an act of  
76 family violence to a family or household member. [and shall] "Family  
77 violence crime" does not include acts by parents or guardians  
78 disciplining minor children unless such acts constitute abuse.

79 (4) "Institutions and services" means peace officers, service

80 providers, mandated reporters of abuse, agencies and departments  
81 that provide services to victims and families and services designed to  
82 assist victims and families.

83 Sec. 3. Subsection (d) of section 46b-38c of the 2012 supplement to  
84 the general statutes is repealed and the following is substituted in lieu  
85 thereof (*Effective October 1, 2012*):

86 (d) In all cases of family violence, a written or oral report and  
87 recommendation of the local family violence intervention unit shall be  
88 available to a judge at the first court date appearance to be presented at  
89 any time during the court session on that date. A judge of the Superior  
90 Court may consider and impose the following conditions to protect the  
91 parties, including, but not limited to: (1) Issuance of a protective order  
92 pursuant to subsection (e) of this section; (2) prohibition against  
93 subjecting the victim to further violence; (3) referral to a family  
94 violence education program for batterers; and (4) immediate referral  
95 for more extensive case assessment. Such protective order shall be an  
96 order of the court, and the clerk of the court shall cause (A) a copy of  
97 such order to be sent to the victim, and (B) a copy of such order, or the  
98 information contained in such order, to be sent by facsimile or other  
99 means within forty-eight hours of its issuance to the law enforcement  
100 agency for the town in which the victim resides and, if the defendant  
101 resides in a town different from the town in which the victim resides,  
102 to the law enforcement agency for the town in which the defendant  
103 resides. If the victim is employed in a town different from the town in  
104 which the victim resides, the clerk of the court shall, upon the request  
105 of the victim, send, by facsimile or other means, a copy of such order,  
106 or the information contained in such order, to the law enforcement  
107 agency for the town in which the victim is employed [~~within~~] not later  
108 than forty-eight hours [of] after the issuance of such order. If the victim  
109 is enrolled in a public or private elementary or secondary school,  
110 including a regional vocational technical school, or an institution of  
111 higher education, as defined in section 10a-55, the clerk of the court  
112 shall, upon the request of the victim, send, by facsimile or other means,  
113 a copy of such order, or the information contained in such order, to

114 such school or institution of higher education, or the special police  
115 force established pursuant to section 10a-142, if any, at the institution  
116 of higher education at which the victim is enrolled.

117 Sec. 4. Section 54-1k of the general statutes is repealed and the  
118 following is substituted in lieu thereof (*Effective October 1, 2012*):

119 (a) Upon the arrest of a person for a violation of subdivision (1) or  
120 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,  
121 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section  
122 53a-181c, as amended by this act, 53a-181d or 53a-181e, the court may  
123 issue a protective order pursuant to this section. Upon the arrest of a  
124 person for a violation of section 53a-182b or 53a-183, the court may  
125 issue a protective order pursuant to this section if it finds that such  
126 violation caused the victim to reasonably fear for his or her physical  
127 safety. Such order shall be an order of the court, and the clerk of the  
128 court shall cause (1) a copy of such order, or the information contained  
129 in such order, to be sent to the victim, and (2) a copy of such order, or  
130 the information contained in such order, to be sent by facsimile or  
131 other means [within] not later than forty-eight hours [of] after its  
132 issuance to the law enforcement agency or agencies for the town in  
133 which the victim resides, the town in which the victim is employed  
134 and the town in which the defendant resides. If the victim is enrolled  
135 in a public or private elementary or secondary school, including a  
136 regional vocational technical school, or an institution of higher  
137 education, as defined in section 10a-55, the clerk of the court shall,  
138 upon the request of the victim, send, by facsimile or other means, a  
139 copy of such order, or the information contained in such order, to such  
140 school or institution of higher education, or the special police force  
141 established pursuant to section 10a-142, if any, at the institution of  
142 higher education at which the victim is enrolled.

143 (b) A protective order issued under this section may include  
144 provisions necessary to protect the victim from threats, harassment,  
145 injury or intimidation by the defendant, including but not limited to,  
146 an order enjoining the defendant from (1) imposing any restraint upon

147 the person or liberty of the victim, (2) threatening, harassing,  
148 assaulting, molesting or sexually assaulting the victim, or (3) entering  
149 the dwelling of the victim. A protective order issued under this section  
150 may include provisions necessary to protect any animal owned or kept  
151 by the victim including, but not limited to, an order enjoining the  
152 defendant from injuring or threatening to injure such animal. Such  
153 order shall be made a condition of the bail or release of the defendant  
154 and shall contain the following language: "In accordance with section  
155 53a-223 of the Connecticut general statutes, any violation of this order  
156 constitutes criminal violation of a protective order which is punishable  
157 by a term of imprisonment of not more than five years, a fine of not  
158 more than five thousand dollars, or both. Additionally, in accordance  
159 with section 53a-107 of the Connecticut general statutes, entering or  
160 remaining in a building or any other premises in violation of this order  
161 constitutes criminal trespass in the first degree which is punishable by  
162 a term of imprisonment of not more than one year, a fine of not more  
163 than two thousand dollars, or both. Violation of this order also violates  
164 a condition of your bail or release and may result in raising the amount  
165 of bail or revoking release.".

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

169 Sec. 5. Section 54-63b of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective October 1, 2012*):

171 (a) The duties of the Court Support Services Division shall include:  
172 (1) To promptly interview, prior to arraignment, any person referred  
173 by the police pursuant to section 54-63c or by a judge. Such interview  
174 shall include, but not be limited to, information concerning the accused  
175 person, his or her family, community ties, prior criminal record and  
176 physical and mental condition; (2) to seek independent verification of  
177 information obtained during the interview, if practicable; (3) to  
178 determine, as provided in section 54-63d, or to make recommendations  
179 on request of any judge, concerning the terms and conditions of the

180 release of arrested persons from custody pending final disposition of  
181 their cases; (4) to prepare a written report on all persons interviewed  
182 and, upon request and pursuant to the procedures established under  
183 subsection (f) of section 54-63d, provide copies of the report to the  
184 court, defense counsel and state's attorney. Such report shall contain  
185 the information obtained during the interview and verification  
186 process, the person's prior criminal record, where possible, and the  
187 determination or recommendation of the commissioner pursuant to  
188 section 54-63d concerning the terms and conditions of the release of the  
189 persons so interviewed; (5) to give prior notice of each required court  
190 appearance to each person released following an interview by a bail  
191 commissioner; (6) to supervise pursuant to the direction of the court  
192 those persons released on nonfinancial conditions; (7) to inform the  
193 court and the state's attorney of any failure to comply with terms and  
194 conditions of release, including the arrest of persons released under its  
195 supervision; (8) to monitor, evaluate and provide information  
196 concerning terms and conditions of release and the release criteria  
197 established under [subdivision (2) of subsection (c)] subsection (b) of  
198 this section, to prepare periodic reports on its activities, and to provide  
199 such other information as is needed to assist in the improvement of the  
200 pretrial release process; (9) to perform such other functions as the  
201 Chief Court Administrator may, from time to time, assign.

202 (b) The Court Support Services Division shall establish written  
203 uniform weighted release criteria based upon the premise that the least  
204 restrictive condition or conditions of release necessary to [insure]  
205 ensure the appearance in court of the defendant and sufficient to  
206 reasonably ensure the safety of any other person will not be  
207 endangered is the pretrial release alternative of choice. Such criteria  
208 shall be based on, but not be limited to, the following considerations:  
209 (1) The nature and circumstances of the offense insofar as they are  
210 relevant to the risk of nonappearance; (2) the defendant's record of  
211 previous convictions; (3) the defendant's past record of appearance in  
212 court after being admitted to bail; (4) the defendant's family ties; (5) the  
213 defendant's employment record; (6) the defendant's financial  
214 resources, character and mental condition; and (7) the defendant's

215 community ties.

216 Sec. 6. Subsection (h) of section 46b-38c of the 2012 supplement to  
217 the general statutes is repealed and the following is substituted in lieu  
218 thereof (*Effective October 1, 2012*):

219 (h) (1) There shall be a pretrial family violence education program  
220 for persons who are charged with family violence crimes. At a  
221 minimum, such program shall inform participants of the basic  
222 elements of family violence law and applicable penalties. The court  
223 may, in its discretion, invoke such program on motion of the  
224 defendant when it finds: (A) That the defendant has not previously  
225 been convicted of a family violence crime which occurred on or after  
226 October 1, 1986; (B) the defendant has not had a previous case assigned  
227 to the family violence education program; (C) the defendant has not  
228 previously invoked or accepted accelerated rehabilitation under  
229 section 54-56e for a family violence crime which occurred on or after  
230 October 1, 1986; and (D) that the defendant is not charged with a class  
231 A, class B or class C felony, or an unclassified felony carrying a term of  
232 imprisonment of more than ten years, or unless good cause is shown, a  
233 class D felony, [or] an unclassified offense carrying a term of  
234 imprisonment of more than five years or an offense that involved the  
235 infliction of serious physical injury, as defined in section 53a-3.  
236 Participation by any person in the accelerated pretrial rehabilitation  
237 program under section 54-56e prior to October 1, 1986, shall not  
238 prohibit eligibility of such person for the pretrial family violence  
239 education program under this section. The court may require that the  
240 defendant answer such questions under oath, in open court or before  
241 any person designated by the clerk and duly authorized to administer  
242 oaths, under the penalties of perjury as will assist the court in making  
243 these findings.

244 (2) The court, on such motion, may refer the defendant to the family  
245 violence intervention unit, and may continue the defendant's case  
246 pending the submission of the report of the unit to the court. The court  
247 shall also give notice to the victim or victims that the defendant has

248 requested assignment to the family violence education program, and,  
249 where possible, give the victim or victims opportunity to be heard.  
250 Any defendant who accepts placement in the family violence  
251 education program shall agree to the tolling of any statute of  
252 limitations with respect to the crime or crimes with which the  
253 defendant is charged, and to a waiver of the defendant's right to a  
254 speedy trial. Any such defendant shall appear in court and shall be  
255 released to the custody of the family violence intervention unit for  
256 such period, not exceeding two years, and under such conditions as  
257 the court shall order. If the defendant refuses to accept, or, having  
258 accepted, violates such conditions, the defendant's case shall be  
259 brought to trial. If the defendant satisfactorily completes the family  
260 violence education program and complies with the conditions imposed  
261 for the period set by the court, the defendant may apply for dismissal  
262 of the charges against the defendant and the court, on finding  
263 satisfactory compliance, shall dismiss such charges.

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

266 Sec. 7. Section 46b-38h of the general statutes is repealed and the  
267 following is substituted in lieu thereof (*Effective October 1, 2012*):

268 If any person is convicted of a violation of section 53a-59, 53a-59a,  
269 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-  
270 64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-  
271 72a, 53a-72b, 53a-181c, as amended by this act, 53a-181d, 53a-181e, 53a-  
272 182, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b, against a family  
273 or household member, as defined in section 46b-38a, as amended by  
274 this act, [or a person in a dating relationship,] the court shall include a  
275 designation that such conviction involved [domestic] family violence  
276 on the court record for the purposes of criminal history record  
277 information, as defined in subsection (a) of section 54-142g.

278 Sec. 8. (NEW) (*Effective October 1, 2012*) Any person who believes  
279 that an electronic or telephonic communication received by the person  
280 constitutes a violation of section 53a-223, 53a-223a or 53a-223b of the

281 general statutes may file a complaint reporting such alleged violation  
282 with the law enforcement agency for the town in which (1) such person  
283 resides, (2) such person received the communication, or (3) such  
284 communication was initiated. Such law enforcement agency shall  
285 accept such complaint, prepare a police report on the matter, provide  
286 the complainant with a copy of such report and investigate such  
287 alleged violation and any other offenses allegedly committed as a  
288 result of such violation and shall, if necessary, coordinate such  
289 investigation with any other law enforcement agencies and, upon  
290 request of the complainant, notify the law enforcement agency for the  
291 town in which the complainant resides.

292 Sec. 9. Section 54-1d of the general statutes is amended by adding  
293 subsection (f) as follows (*Effective October 1, 2012*):

294 (NEW) (f) Any defendant who is charged with a violation of section  
295 53a-223, 53a-223a or 53a-223b by means of electronic or telephonic  
296 communication, and any defendant who is charged with any other  
297 offense committed as a result of such violation, may be presented to  
298 the court in the geographical area in which (1) the victim resides, (2)  
299 the victim received the communication, or (3) the communication was  
300 initiated. Such defendant may be prosecuted in any such geographical  
301 area or a corresponding judicial district.

302 Sec. 10. Section 53a-61aa of the general statutes is repealed and the  
303 following is substituted in lieu thereof (*Effective October 1, 2012*):

304 (a) A person is guilty of threatening in the first degree when such  
305 person (1) (A) threatens to commit any crime involving the use of a  
306 hazardous substance with the intent to terrorize another person, to  
307 cause evacuation of a building, place of assembly or facility of public  
308 transportation or otherwise to cause serious public inconvenience, or  
309 (B) threatens to commit such crime in reckless disregard of the risk of  
310 causing such terror, evacuation or inconvenience; [, or] (2) (A)  
311 threatens to commit any crime of violence with the intent to cause  
312 evacuation of a building, place of assembly or facility of public  
313 transportation or otherwise to cause serious public inconvenience, or

314 (B) threatens to commit such crime in reckless disregard of the risk of  
315 causing such evacuation or inconvenience; or (3) commits threatening  
316 in the second degree as provided in section 53a-62, and in the  
317 commission of such offense he uses or is armed with and threatens the  
318 use of or displays or represents by his words or conduct that he  
319 possesses a pistol, revolver, shotgun, rifle, machine gun or other  
320 firearm. No person shall be found guilty of threatening in the first  
321 degree under subdivision (3) of this subsection and threatening in the  
322 second degree upon the same transaction but such person may be  
323 charged and prosecuted for both such offenses upon the same  
324 information.

325 (b) For the purposes of this section, "hazardous substance" means  
326 any physical, chemical, biological or radiological substance or matter  
327 which, because of its quantity, concentration or physical, chemical or  
328 infectious characteristics, may cause or significantly contribute to an  
329 increase in mortality or an increase in serious irreversible or  
330 incapacitating reversible illness, or pose a substantial present or  
331 potential hazard to human health.

332 (c) Threatening in the first degree is a class D felony.

333 Sec. 11. Section 53a-181c of the general statutes is repealed and the  
334 following is substituted in lieu thereof (*Effective October 1, 2012*):

335 (a) A person is guilty of stalking in the first degree when he  
336 commits stalking in the second degree as provided in section 53a-181d  
337 and (1) he has previously been convicted of [this section or] a violation  
338 of section 53a-181d or 53a-181e, or (2) such conduct violates a court  
339 order in effect at the time of the offense, or (3) the other person is  
340 under sixteen years of age.

341 (b) Stalking in the first degree is a class D felony.

342 Sec. 12. Section 53a-32 of the general statutes is repealed and the  
343 following is substituted in lieu thereof (*Effective October 1, 2012*):

344 (a) At any time during the period of probation or conditional

345 discharge, the court or any judge thereof may issue a warrant for the  
346 arrest of a defendant for violation of any of the conditions of probation  
347 or conditional discharge, or may issue a notice to appear to answer to a  
348 charge of such violation, which notice shall be personally served upon  
349 the defendant. Any such warrant shall authorize all officers named  
350 therein to return the defendant to the custody of the court or to any  
351 suitable detention facility designated by the court. Whenever a  
352 probation officer has probable cause to believe that a person has  
353 violated a condition of such person's probation, such probation officer  
354 may notify any police officer that such person has, in such officer's  
355 judgment, violated the conditions of such person's probation and such  
356 notice shall be sufficient warrant for the police officer to arrest such  
357 person and return such person to the custody of the court or to any  
358 suitable detention facility designated by the court. Whenever a  
359 probation officer so notifies a police officer, the probation officer shall  
360 notify the victim of the offense for which such person is on probation,  
361 provided the probation officer has been provided with the name and  
362 contact information for such victim. Any probation officer may arrest  
363 any defendant on probation without a warrant or may deputize any  
364 other officer with power to arrest to do so by giving such other officer  
365 a written statement setting forth that the defendant has, in the  
366 judgment of the probation officer, violated the conditions of the  
367 defendant's probation. Such written statement, delivered with the  
368 defendant by the arresting officer to the official in charge of any  
369 correctional center or other place of detention, shall be sufficient  
370 warrant for the detention of the defendant. After making such an  
371 arrest, such probation officer shall present to the detaining authorities  
372 a similar statement of the circumstances of violation. Provisions  
373 regarding release on bail of persons charged with a crime shall be  
374 applicable to any defendant arrested under the provisions of this  
375 section. Upon such arrest and detention, the probation officer shall  
376 immediately so notify the court or any judge thereof.

377 (b) When the defendant is presented for arraignment on the charge  
378 of violation of any of the conditions of probation or conditional  
379 discharge, the court shall review any conditions previously imposed

380 on the defendant and may order, as a condition of the pretrial release  
381 of the defendant, that the defendant comply with any or all of such  
382 conditions in addition to any conditions imposed pursuant to section  
383 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,  
384 orders that the defendant remain under the supervision of a probation  
385 officer or other designated person or organization, the defendant shall  
386 be supervised by the Court Support Services Division of the Judicial  
387 Branch in accordance with subsection (a) of section 54-63b, as amended  
388 by this act.

389 (c) Upon notification by the probation officer of the arrest of the  
390 defendant or upon an arrest by warrant as herein provided, the court  
391 shall cause the defendant to be brought before it without unnecessary  
392 delay for a hearing on the violation charges. At such hearing the  
393 defendant shall be informed of the manner in which such defendant is  
394 alleged to have violated the conditions of such defendant's probation  
395 or conditional discharge, shall be advised by the court that such  
396 defendant has the right to retain counsel and, if indigent, shall be  
397 entitled to the services of the public defender, and shall have the right  
398 to cross-examine witnesses and to present evidence in such  
399 defendant's own behalf. Unless good cause is shown, a charge of  
400 violation of any of the conditions of probation or conditional discharge  
401 shall be disposed of or scheduled for a hearing not later than one  
402 hundred twenty days after the defendant is arraigned on such charge.

403 (d) If such violation is established, the court may: (1) Continue the  
404 sentence of probation or conditional discharge; (2) modify or enlarge  
405 the conditions of probation or conditional discharge; (3) extend the  
406 period of probation or conditional discharge, provided the original  
407 period with any extensions shall not exceed the periods authorized by  
408 section 53a-29; or (4) revoke the sentence of probation or conditional  
409 discharge. If such sentence is revoked, the court shall require the  
410 defendant to serve the sentence imposed or impose any lesser  
411 sentence. Any such lesser sentence may include a term of  
412 imprisonment, all or a portion of which may be suspended entirely or  
413 after a period set by the court, followed by a period of probation with

414 such conditions as the court may establish. No such revocation shall be  
415 ordered, except upon consideration of the whole record and unless  
416 such violation is established by the introduction of reliable and  
417 probative evidence and by a preponderance of the evidence.

418 Sec. 13. Section 54-142m of the general statutes is repealed and the  
419 following is substituted in lieu thereof (*Effective October 1, 2012*):

420 (a) A criminal justice agency holding nonconviction information  
421 may disclose it to persons or agencies not otherwise authorized (1) for  
422 the purposes of research, evaluation or statistical analysis, or (2) if  
423 there is a specific agreement with a criminal justice agency to provide  
424 services required for the administration of criminal justice pursuant to  
425 such agreement. The Judicial Branch may disclose nonconviction  
426 information to a state agency pursuant to an agreement to provide  
427 services related to the collection of moneys due. Any such disclosure of  
428 information shall be limited to that information necessary for the  
429 collection of moneys due. Pursuant to an agreement, the Judicial  
430 Branch may disclose nonconviction information to the Department of  
431 Mental Health and Addiction Services for the administration of court-  
432 ordered evaluations and the provision of programs and services to  
433 persons with psychiatric disabilities and substance abuse treatment  
434 needs. Pursuant to an agreement, the Judicial Branch may disclose  
435 nonconviction information to advocates for victims of family violence  
436 to allow such advocates to develop plans to provide for the safety of  
437 victims and victims' minor children, provided such agreement  
438 prohibits such advocates from disclosing such nonconviction  
439 information to any person, including, but not limited to, a victim of  
440 family violence.

441 (b) No nonconviction information may be disclosed to such persons  
442 or agencies except pursuant to a written agreement between the  
443 agency holding it and the persons to whom it is to be disclosed.

444 (c) The agreement shall specify the information to be disclosed, the  
445 persons to whom it is to be disclosed, the purposes for which it is to be  
446 used, the precautions to be taken to insure the security and

447 confidentiality of the information and the sanctions for improper  
448 disclosure or use.

449 (d) Persons to whom information is disclosed under the provisions  
450 of this section shall not without the subject's prior written consent  
451 disclose or publish such information in such manner that it will reveal  
452 the identity of such subject.

453 Sec. 14. Section 51-286e of the general statutes is repealed and the  
454 following is substituted in lieu thereof (*Effective October 1, 2012*):

455 (a) For the purposes of this section, "victim" includes the legal  
456 representative of the victim or a member of the deceased victim's  
457 immediate family.

458 (b) The state's attorney for a judicial district wherein an offense has  
459 been committed shall notify any victim of the offense, if such victim  
460 has requested notification and provided the state's attorney with a  
461 current address, of any judicial proceedings relating to [his] the  
462 victim's case including (1) the arrest of the defendant, (2) the  
463 arraignment of the defendant, (3) the release of the defendant pending  
464 judicial proceedings, and (4) proceedings in the prosecution of the  
465 defendant, including the dismissal of the charges against the  
466 defendant, the entry of a nolle prosequi to the charges against the  
467 defendant, the entry of a plea of guilty [,] by the defendant, and the  
468 trial and sentencing of the defendant.

469 Sec. 15. Subdivision (7) of subsection (b) of section 54-203 of the  
470 general statutes is repealed and the following is substituted in lieu  
471 thereof (*Effective October 1, 2012*):

472 (7) To provide each person who applies for compensation pursuant  
473 to section 54-204, within ten days of the date of receipt of such  
474 application, with a written list of rights of victims of crime involving  
475 personal injury and the programs available in this state to assist such  
476 victims. The Office of Victim Services, the state or any agent, employee  
477 or officer thereof shall not be liable for the failure to supply such list or

478 any alleged inadequacies of such list. Such list shall include, but not be  
479 limited to:

480 (A) Subject to the provisions of sections 18-81e and 51-286e, as  
481 amended by this act, the victim shall have the right to be informed  
482 concerning the status of his or her case and to be informed of the  
483 release from custody of the defendant;

484 (B) Subject to the provisions of section 54-91c, the victim shall have  
485 the right to present a statement of his or her losses, injuries and wishes  
486 to the prosecutor and the court prior to the acceptance by the court of a  
487 plea of guilty or nolo contendere made pursuant to a plea agreement  
488 with the state wherein the defendant pleads to a lesser offense than the  
489 offense with which the defendant was originally charged;

490 (C) Subject to the provisions of section 54-91c, prior to the  
491 imposition of sentence upon the defendant, the victim shall have the  
492 right to submit a statement to the prosecutor as to the extent of any  
493 injuries, financial losses and loss of earnings directly resulting from the  
494 crime;

495 (D) Subject to the provisions of section 54-126a, the victim shall have  
496 the right to appear before a panel of the Board of Pardons and Paroles  
497 and make a statement as to whether the defendant should be released  
498 on parole and any terms or conditions to be imposed upon any such  
499 release;

500 (E) Subject to the provisions of section 54-36a, the victim shall have  
501 the right to have any property the victim owns which was seized by  
502 police in connection with an arrest to be returned;

503 (F) Subject to the provisions of sections 54-56e and 54-142c, the  
504 victim shall have the right to be notified of the application by the  
505 defendant for the pretrial program for accelerated rehabilitation and to  
506 obtain from the court information as to whether the criminal  
507 prosecution in the case has been dismissed;

508 (G) Subject to the provisions of section 54-85b, the victim cannot be

509 fired, harassed or otherwise retaliated against by an employer for  
510 appearing under a subpoena as a witness in any criminal prosecution;

511 (H) Subject to the provisions of section 54-86g, the parent or legal  
512 guardian of a child twelve years of age or younger who is a victim of  
513 child abuse or sexual assault may request special procedural  
514 considerations to be taken during the testimony of the child;

515 (I) Subject to the provisions of section 46b-15, as amended by this  
516 act, the victim of assault by a spouse or former spouse, family or  
517 household member has the right to request the arrest of the offender,  
518 request a protective order and apply for a restraining order;

519 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,  
520 the victim of sexual assault or domestic violence can expect certain  
521 records to remain confidential; and

522 (K) Subject to the provisions of section 53a-32, as amended by this  
523 act, receive notification from a probation officer whenever the officer  
524 has notified a police officer that the probation officer has probable  
525 cause to believe that the offender has violated a condition of such  
526 offender's probation.

527 Sec. 16. Section 54-216 of the 2012 supplement to the general statutes  
528 is repealed and the following is substituted in lieu thereof (*Effective*  
529 *October 1, 2012*):

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

536 (b) The Office of Victim Services or, on review, a victim  
537 compensation commissioner may order that such restitution services  
538 be provided to victims of child abuse and members of their families,  
539 victims of sexual assault and members of their families, victims of

540 domestic violence and members of their families, [and] members of the  
541 family of any victim of homicide, and children who witness domestic  
542 violence, including, but not limited to, children who are not related to  
543 the victim. For the purposes of this subsection, "members of their  
544 families" or "member of the family" does not include the person  
545 responsible for such child abuse, sexual assault, domestic violence or  
546 homicide.

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

549 Sec. 17. Subsection (e) of section 46b-38b of the 2012 supplement to  
550 the general statutes is repealed and the following is substituted in lieu  
551 thereof (*Effective October 1, 2012*):

552 (e) (1) Each law enforcement agency shall develop, in conjunction  
553 with the Division of Criminal Justice, and implement specific  
554 operational guidelines for arrest policies in family violence incidents.  
555 Such guidelines shall include, but not be limited to: (A) Procedures for  
556 the conduct of a criminal investigation; (B) procedures for arrest and  
557 for victim assistance by peace officers; (C) education as to what  
558 constitutes speedy information in a family violence incident; (D)  
559 procedures with respect to the provision of services to victims; and (E)  
560 such other criteria or guidelines as may be applicable to carry out the  
561 purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to  
562 46b-38f, inclusive, as amended by this act, and 54-1g. Such procedures  
563 shall be duly promulgated by such law enforcement agency. On and  
564 after October 1, 2012, each law enforcement agency shall develop and  
565 implement specific operational guidelines for arrest policies in family  
566 violence incidents which, at a minimum, meet the standards set forth  
567 in the model law enforcement policy on family violence established in  
568 subdivision (2) of this subsection.

569 (2) There is established a model law enforcement policy on family  
570 violence for the state. Such policy shall consist of the model policy  
571 submitted by the task force established in section 19 of public act 11-  
572 152 on January 31, 2012, to the joint standing committee of the General

573 Assembly having cognizance of matters relating to the judiciary,  
574 except that on and after October 1, 2012, the model law enforcement  
575 policy on family violence, as amended from time to time by the Family  
576 Violence Model Policy Governing Council established pursuant to  
577 section 18 of this act, shall be the model law enforcement policy on  
578 family violence for the state.

579 (3) Not later than July 1, 2013, and annually thereafter, each law  
580 enforcement agency shall submit a report to the Commissioner of  
581 Emergency Services and Public Protection, in such form as the  
582 commissioner prescribes, regarding the law enforcement agency's  
583 compliance with the model law enforcement policy on family violence  
584 for the state.

585 ~~[(2)]~~ (4) On and after July 1, 2010, each law enforcement agency shall  
586 designate at least one officer with supervisory duties to expeditiously  
587 process, upon request of a victim of family violence or other crime who  
588 is applying for U Nonimmigrant Status (A) a certification of  
589 helpfulness on Form I-918, Supplement B, or any subsequent  
590 corresponding form designated by the United States Department of  
591 Homeland Security, confirming that the victim of family violence or  
592 other crime has been helpful, is being helpful, or is likely to be helpful  
593 in the investigation or prosecution of the criminal activity, and (B) any  
594 subsequent certification required by the victim.

595 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a  
596 Family Violence Model Policy Governing Council for the purpose of  
597 (1) evaluating policies and procedures used by law enforcement  
598 agencies when responding to incidents of family violence and  
599 violations of restraining orders and protective orders, (2) reviewing  
600 and updating the model law enforcement policy on family violence for  
601 the state established in section 46b-38b of the general statutes, as  
602 amended by this act, and (3) evaluating the accuracy of data collected  
603 by the Department of Emergency Services and Public Protection under  
604 section 46b-38d of the general statutes and the Court Support Services  
605 Division under section 46b-38f of the general statutes.

- 606 (b) The council shall consist of the following members:
- 607 (1) One appointed by the speaker of the House of Representatives;
- 608 (2) One appointed by the president pro tempore of the Senate;
- 609 (3) One appointed by the minority leader of the House of  
610 Representatives;
- 611 (4) One appointed by the minority leader of the Senate;
- 612 (5) One appointed by the Governor;
- 613 (6) One representative of the Police Officer Standards and Training  
614 Council with experience in domestic violence training, appointed by  
615 the chairperson of the council;
- 616 (7) One representative of the Office of the Chief State's Attorney,  
617 appointed by the Chief State's Attorney;
- 618 (8) One representative of the office of the Chief Public Defender,  
619 appointed by the Chief Public Defender;
- 620 (9) One representative of the Office of the Victim Advocate,  
621 appointed by the Victim Advocate;
- 622 (10) One representative of the Division of State Police with  
623 experience in domestic violence training, appointed by the  
624 Commissioner of Emergency Services and Public Protection;
- 625 (11) One judge of the Superior Court assigned to hear criminal  
626 matters, appointed by the Chief Court Administrator;
- 627 (12) One victim of domestic violence, one victim advocate with  
628 courtroom experience in domestic violence matters and one  
629 representative of the Connecticut Coalition Against Domestic Violence,  
630 Inc., each appointed by the executive director of the Connecticut  
631 Coalition Against Domestic Violence, Inc.;
- 632 (13) One representative of the legal aid programs in Connecticut,

633 appointed by the executive director of the Legal Assistance Resource  
634 Center of Connecticut; and

635 (14) One representative of the Connecticut Police Chiefs  
636 Association, appointed by the president of the association.

637 (c) Any member of the council appointed under subdivision (1), (2),  
638 (3) or (4) of subsection (b) of this section may be a member of the  
639 General Assembly.

640 (d) All members of said council shall be appointed on or before July  
641 1, 2012, and quadrennially thereafter, to serve for a term of four years.  
642 Any member may be reappointed, and any member may continue to  
643 serve until such member's successor is appointed and qualified. Any  
644 vacancy shall be filled by the appointing authority.

645 (e) The members of the council shall select two chairpersons of the  
646 council from among the members of the council. Said chairpersons  
647 shall schedule the first meeting of the council, which shall be held not  
648 later than sixty days after the effective date of this section.

649 (f) The administrative staff of the joint standing committee of the  
650 General Assembly having cognizance of matters relating to the  
651 judiciary shall serve as administrative staff of the council.

652 (g) Not later than January 15, 2013, and annually thereafter, the  
653 council shall submit a report in accordance with section 11-4a of the  
654 general statutes to the joint standing committee of the General  
655 Assembly having cognizance of matters relating to the judiciary  
656 regarding the effectiveness of the model law enforcement policy on  
657 family violence for the state established in section 46b-38b of the  
658 general statutes, as amended by this act.

659 Sec. 19. (*Effective from passage*) (a) The Office of State-Wide  
660 Emergency Telecommunications shall conduct a study to determine  
661 the cost, feasibility and public safety considerations of redesigning the  
662 state-wide emergency 9-1-1 telephone system in a manner that allows  
663 individuals to send a text message with or from a mobile telephone or

664 mobile electronic device to the state-wide emergency 9-1-1 telephone  
 665 system and receive a text message response through such system. In  
 666 conducting such study, the office shall seek the advice of the E 9-1-1  
 667 Commission established pursuant to section 28-29a of the general  
 668 statutes.

669 (b) Not later than January 15, 2013, the Office of State-Wide  
 670 Emergency Telecommunications shall submit a report containing the  
 671 findings of the study to the joint standing committees of the General  
 672 Assembly having cognizance of matters relating to public safety and  
 673 criminal law, in accordance with the provisions of section 11-4a of the  
 674 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	46b-15(a) to (d)
Sec. 2	<i>October 1, 2012</i>	46b-38a
Sec. 3	<i>October 1, 2012</i>	46b-38c(d)
Sec. 4	<i>October 1, 2012</i>	54-1k
Sec. 5	<i>October 1, 2012</i>	54-63b
Sec. 6	<i>October 1, 2012</i>	46b-38c(h)
Sec. 7	<i>October 1, 2012</i>	46b-38h
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	54-1d
Sec. 10	<i>October 1, 2012</i>	53a-61aa
Sec. 11	<i>October 1, 2012</i>	53a-181c
Sec. 12	<i>October 1, 2012</i>	53a-32
Sec. 13	<i>October 1, 2012</i>	54-142m
Sec. 14	<i>October 1, 2012</i>	51-286e
Sec. 15	<i>October 1, 2012</i>	54-203(b)(7)
Sec. 16	<i>October 1, 2012</i>	54-216
Sec. 17	<i>October 1, 2012</i>	46b-38b(e)
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In sections 6, 12, 13, 15, and 17, changes were made for consistency and accuracy.

**JUD**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes various changes regarding domestic violence policy that do not result in a fiscal impact.

The bill makes changes to policies regarding the Judicial Department including: extending restraining orders issued by the court, sending a copy of the order to any education institution the victim attends, creating an ineligibility for the pretrial family violence education program, and expanding restitution eligibility. It is anticipated that the Judicial Department will be able to implement these changes without the need for additional resources.

The bill requires law enforcement agencies to develop guidelines based on the Task Force on Law Enforcement's Response to Family Violence model and submit an annual report to the Department of Emergency Services and Public Protection (DESPP). The bill modifies what conduct constitutes 1<sup>st</sup> degree threatening and 1<sup>st</sup> degree stalking. In addition, the bill also requires the Office of State-wide Emergency Telecommunications to study changes to the state-wide emergency 9-1-1 system to allow communication through mobile devices. It is anticipated that DESPP and the local law enforcement agencies will be able to implement these changes without the need for additional resources.

***The Out Years******State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 5548**

***AN ACT CONCERNING DOMESTIC VIOLENCE.***

**SUMMARY:**

This bill gives family violence victims greater support from the courts, law enforcement agencies, and court-based victim service providers by:

1. extending, from six months to one year, the maximum period that a civil restraining order can remain in effect;
2. making stalking or patterns of threatening between family or household members forms of family violence;
3. at the victim's request, requiring court clerks to notify various school and law enforcement officials about the existence and terms of protective orders;
4. identifying police departments victims can contact when they believe that a telephone call or electronic communication they received constitutes a criminal violation of a restraining, protective, or standing criminal restraining order;
5. making a parallel change to the statute that designates the judicial district where such crimes can be prosecuted;
6. modifying the Judicial Branch's Court Support Services Division's (CSSD) uniform, weighted, release criteria by adding that conditions sufficient to reasonably ensure that a pretrial release will not endanger the safety of others is taken into account;
7. excluding from CSSD's pretrial family violence education

- program those charged with a family violence crime that inflicted serious bodily injury on victims;
8. adding to the list of crimes which, if committed against a family or household member, would require courts to make notations in a defendant's criminal history file that the crime involved family violence;
  9. adding to conduct that constitutes 1<sup>st</sup> degree threatening and stalking;
  10. requiring probation officers who notify police officers when they suspect a probationer has violated his or her terms of probation to also notify (a) the crime victim if he or she has given contact information and (b) the Office of Victim Services;
  11. permitting the Judicial Branch, pursuant to written agreement, to disclose nonconviction information to family violence victim advocates to use in developing safety plans for such victims and their minor children;
  12. specifying that prosecutors notify crime victims who ask when a defendant's criminal charges are dismissed or nolle;
  13. allowing the Office of Victim Services to award medical, psychiatric, psychological, and social and rehabilitative services as restitution to children who witness domestic violence, including those not related to the victim;
  14. establishing a state-wide model family law enforcement policy;
  15. requiring law enforcement agencies to, at a minimum, meet model policy standards and submit annual compliance reports; and
  16. establishing the Family Violence Model Policy Governing Council, charged with evaluating various methods police departments use to respond to family violence incidents.

The bill also requires the Office of State-Wide Emergency Telecommunications to study the cost, feasibility, and public safety considerations associated with redesigning the state-wide emergency 9-1-1 system to allow individuals and responders to communicate by text message or using other forms of mobile device. It must submit a report of its findings to the Public Safety Committee by January 15, 2013.

The bill also makes minor and conforming changes.

EFFECTIVE DATE: October 1, 2012, except the provisions regarding the family violence governing council and emergency 9-1-1 study are effective upon passage.

## **§ 2 — DEFINITIONS**

### ***Family Violence***

By law, “family violence” means an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault between family or household members. The bill specifies that stalking or a pattern of threatening between such members are non-exclusive forms of family violence.

The bill potentially extends the definition of a “family or household member” for purposes of family violence by eliminating the age restriction on people (1) related by blood or marriage and (2) living together or who used to live together. The current law limits the former to people age 18 or older and the latter to people age 16 or older. The bill makes people in these relationships family or household members regardless of their age.

## **§§ 1 & 3-7 — JUDICIAL BRANCH CHANGES**

### ***Restraining Order***

By law, courts can issue civil restraining orders upon request to protect family violence victims from further violence. Among other things, such orders may include provisions necessary to protect the

victim from further threats, harassment, injury, or intimidation from the defendant. Under current law, these orders expire six months after issuance unless the court finds that granting the protected person additional time is necessary. Under the bill, these orders expire after one year. The protected person still has the option to request an extension.

### ***Protective Order***

By law, protective orders are criminal orders issued after an arrest for a family violence crime. They can include the same provisions as restraining orders. Protective orders generally terminate when the underlying criminal case concludes.

The law requires court clerks to send, within 48 hours of issuance, copies of protective orders or the information they contain to the applicant and law enforcement agency or agencies for the town or towns where the defendant lives and the victim lives or works.

The bill requires clerks, at a victim's request, to send a copy of the order or its contents to any educational institution he or she attends, including a public or private elementary or secondary school; regional vocational technical school; or institute of higher education, including its special police force.

### ***Conditions of Release Criteria***

The law requires CSSD to establish written, uniform, weighted criteria for releasing an accused after an arrest. Current criteria are based solely on the premise that the least restrictive condition or conditions of release necessary to ensure the arrestee's appearance in court are the release alternative of choice. The bill modifies this approach by adding that conditions of release must also be sufficient to reasonably ensure that the release will not endanger any other person.

### ***Ineligibility for Pretrial Family Violence Education Program***

The bill makes those who have committed family violence crimes that inflicted serious physical injury (i.e., those that create a substantial risk of death or caused disfigurement, serious health impairment, or

serious loss or impairment of any bodily organ) ineligible for the pretrial family violence education program. By law, the two-year program serves people charged with, but not convicted of, certain family violence crimes. Courts must dismiss the charges against those who successfully complete the program.

### ***Court Records Indicating Family Violence Convictions***

The law requires courts to include in court files a designation when a person is convicted of certain crimes against a family or household member. The bill adds 11 more crimes to the list of those requiring the “family violence” designation. They are:

1. assault of a pregnant woman-terminating pregnancy,
2. 2<sup>nd</sup> degree threatening,
3. 1<sup>st</sup> and 2<sup>nd</sup> degree reckless endangerment,
4. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree strangulation,
5. aggravated sexual assault of a minor,
6. disorderly conduct, and
7. 1<sup>st</sup> and 2<sup>nd</sup> degree harassment.

## **LAW ENFORCEMENT ACTIVITIES**

### ***§ 8 — Reporting Electronic or Telephonic Communications and Prosecuting Violators***

The bill permits any recipient of a telephone call or electronic communication that he or she believes constitutes a criminal violation of a (1) protective order, (2) standing criminal protective order, or (3) restraining order to contact the law enforcement agency for the town in which (1) he or she lives or where the victim received the communication or (2) the communication was initiated.

Under the bill, the agency contacted must (1) accept the complaint; (2) prepare a report, giving the complainant a copy; and (3) investigate

the incident and any other offenses allegedly committed as a result of the reported violation. If necessary, that agency must coordinate its investigation with other law enforcement agencies, and, at the victim's request, notify the law enforcement agency for the town where he or she lives.

Any defendant charged based on this contact may be arraigned in the geographic area court in the same locations as the appropriate law enforcement agency.

### **§ 10 — 1<sup>st</sup> Degree Threatening**

The bill creates a new form of 1<sup>st</sup> degree threatening. A person commits the new crime when he or she commits 2<sup>nd</sup> degree threatening and uses, or is armed with and threatens the use of, displays, or represents, by words or conduct that he or she possesses, a pistol, revolver, shotgun, rifle, machine gun, or other firearm. A person commits 2<sup>nd</sup> degree threatening when he or she, by physical threat, intentionally (1) places, or attempts to place, another person in imminent risk of serious physical injury, (2) threatens to commit a violent crime with the intent to terrorize another person, or (3) commits such violent crime in disregard of the risk of terrorizing the victim.

1<sup>st</sup> degree threatening is a class D felony, punishable by imprisonment for up to five years, a fine of \$5,000, or both.

The bill specifies that anyone can be charged with, but not found guilty of, this form of 1<sup>st</sup> degree threatening and 2<sup>nd</sup> degree threatening based on the same transaction.

### **§ 11 — 1<sup>st</sup> Degree Stalking**

The bill reduces the standards for committing 1<sup>st</sup> degree stalking. Currently, a person commits this crime when he or she commits 2<sup>nd</sup> degree stalking (i.e., willfully and repeatedly follows or lies in wait for another with the intent to cause the victim to fear for his or her safety and the victim reasonably does so). Under existing law, the crime is elevated to 1<sup>st</sup> degree stalking when the perpetrator has a prior 2<sup>nd</sup>

degree stalking conviction. Under the bill, a prior conviction for 3<sup>rd</sup> degree stalking is sufficient to elevate the crime to 1<sup>st</sup> degree stalking.

1<sup>st</sup> degree stalking is a class D felony.

### **§ 13 — Disclosure Of Nonconviction Information**

In general, the law prohibits criminal justice agencies from disclosing nonconviction information to anyone other than the subject of the information and his or her attorney. They may also disclose it for limited purposes such as research and, by agreement, for the administration of criminal justice. By law, such agreements must specify:

1. the information to be disclosed,
2. who will have access to it,
3. the purpose for which it will be used,
4. precautions the recipient will take to ensure its confidentiality, and
5. sanctions for improper disclosure or use.

If the Judicial Branch and advocates for victims of family violence execute such agreements, the bill permits the branch to disclose nonconviction information that they need to develop safety plans for family violence crime victims and their minor children. It prohibits the advocates from disclosing this information to others, including victims of family violence.

## **VICTIM SERVICES**

### **§ 16 — Office of Victim Services' Restitution**

The law permits the Office of Victim Services or a supervising victim compensation commissioner to order restitution for qualified crime victims. Restitution includes medical, psychiatric, psychological, and social and rehabilitative services.

Current eligibility rules restrict these services to victims of (1) child abuse and their families, (2) sexual assault and their families, (3) victims of domestic abuse and their families, and (4) specified family members of homicide victims. The bill authorizes the office to provide these services to children who have witnessed family violence whether or not they are related to the victim.

### **§ 17 — POLICE POLICIES IN FAMILY VIOLENCE CASES**

Existing law requires law enforcement agencies to develop, in conjunction with the Criminal Justice Division, and implement specific operational guidelines for arrest policies in family violence matters. Beginning October 1, 2012, the bill requires the guidelines to, at a minimum, meet the model standards the bill establishes.

The bill establishes two statewide model law enforcement policies on family violence. The first consists of the model policy the Task Force on Law Enforcement's Response to Family Violence submitted to the Judiciary Committee on January 30, 2012. The second one, which is effective on and after October 1, 2012, must be established by the Family Violence Model Policy Governing Council (see below). The legal effect of the first policy is unclear because it is obsolete by the date the bill takes effect.

Beginning July 1, 2013, the bill requires each law enforcement agency to submit an annual report to the Department of Emergency Services and Public Protection (DESPP), in such form as the commissioner requires, concerning the agency's compliance with the model policies on domestic violence.

### **§ 18 — FAMILY VIOLENCE MODEL POLICY GOVERNING COUNCIL**

The bill establishes a 16-member Family Violence Model Policy Governing Council and charges it with:

1. evaluating policies and procedures law enforcement agencies use when responding to family violence incidents and violations of restraining and protective orders,

2. reviewing and updating the statewide model law enforcement policy on family violence described above, and
3. evaluating the accuracy of data collected by DESPP and CSSD.

***Members and Administrative Procedures***

Under the bill, council members are:

1. one person appointed by each legislative majority and minority leader and the governor;
2. a representative of the Police Officer Standards and Training Council with experience in domestic violence training, appointed by the council's chairperson;
3. a representative of the Office of the Chief State's Attorney, appointed by the chief state's attorney;
4. a representative of the Office of the Chief Public Defender, appointed by the chief public defender;
5. a representative of the Office of the Victim Advocate, appointed by the victim advocate;
6. a representative of the State Police with experience in domestic violence training, appointed by the DESPP commissioner;
7. a Superior Court judge assigned to hear criminal matters, appointed by the chief court administrator;
8. a domestic violence victim, victim advocate with courtroom experience in domestic violence matters, and representative of the Connecticut Coalition Against Domestic Violence, Inc., (CCADV) each appointed by the CCADV executive director;
9. a representative of state legal aid programs, appointed by the executive director of the Legal Assistance Resource Center of Connecticut; and

10. a representative of the Connecticut Police Chiefs Association, appointed by the association president.

Legislative leaders may designate other legislators to serve on the council.

Members must be appointed by July 1, 2012. Each serves a four-year term and may be reappointed or continue to serve until a successor is appointed and qualified. The respective appointing authorities fill vacancies.

Council members must choose two members to serve as co-chairpersons. These officials must schedule the first meeting, which must be held no later than 60 days after the bill’s passage. The bill requires the Judiciary Committee’s administrative staff to serve as the council’s administrative staff.

The bill requires the council to submit a report to the Judiciary Committee by January 15, 2013, and annually thereafter. It must contain information about the effectiveness of the model law enforcement policy on family violence.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 42    Nay 0    (03/26/2012)