



House of Representatives

File No. 619

General Assembly

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(Reprint of File No. 415)

Substitute House Bill No. 5548
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2012

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 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2012*):

4 (a) Any family or household member₂ as defined in section 46b-38a₂
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, including, but not limited to, a pattern of threatening, as
8 described in section 53a-62, by another family or household member
9 may make an application to the Superior Court for relief under this
10 section.

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

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

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

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

50 motion to extend an order may be made by first-class mail directed to
51 the respondent at [his or her last known] the respondent's last-known
52 address.

53 (e) The applicant shall cause notice of the hearing pursuant to
54 subsection (b) of this section and a copy of the application and the
55 applicant's affidavit and of any ex parte order issued pursuant to
56 subsection (b) of this section to be served on the respondent not less
57 than five days before the hearing. The cost of such service shall be paid
58 for by the Judicial Branch. Upon the granting of an ex parte order, the
59 clerk of the court shall provide two copies of the order to the applicant.
60 Upon the granting of an order after notice and hearing, the clerk of the
61 court shall provide two copies of the order to the applicant and a copy
62 to the respondent. Every order of the court made in accordance with
63 this section after notice and hearing shall be accompanied by a
64 notification that is consistent with the full faith and credit provisions
65 set forth in 18 USC 2265(a), as amended from time to time.
66 Immediately after making service on the respondent, the proper officer
67 shall send or cause to be sent, by facsimile or other means, a copy of
68 the application, or the information contained in such application,
69 stating the date and time the respondent was served, to the law
70 enforcement agency or agencies for the town in which the applicant
71 resides, the town in which the applicant is employed and the town in
72 which the respondent resides. The clerk of the court shall send, by
73 facsimile or other means, a copy of any ex parte order and of any order
74 after notice and hearing, or the information contained in any such
75 order, to the law enforcement agency or agencies for the town in which
76 the applicant resides, the town in which the applicant is employed and
77 the town in which the respondent resides, within forty-eight hours of
78 the issuance of such order. If the victim is enrolled in a public or
79 private elementary or secondary school, including a regional
80 vocational technical school, or an institution of higher education, as
81 defined in section 10a-55, the clerk of the court shall, upon the request
82 of the victim, send, by facsimile or other means, a copy of such ex parte
83 order or of any order after notice and hearing, or the information

84 contained in any such order, to such school or institution of higher
85 education, the president of any institution of higher education at
86 which the victim is enrolled and the special police force established
87 pursuant to section 10a-142, if any, at the institution of higher
88 education at which the victim is enrolled.

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

93 (g) When a motion for contempt is filed for violation of a restraining
94 order, there shall be an expedited hearing. Such hearing shall be held
95 within five court days of service of the motion on the respondent,
96 provided service on the respondent is made not less than twenty-four
97 hours before the hearing. If the court finds the respondent in contempt
98 for violation of an order, the court may impose such sanctions as the
99 court deems appropriate.

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

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

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

107 (1) "Family violence" means an incident resulting in physical harm,
108 bodily injury or assault, or an act of threatened violence that
109 constitutes fear of imminent physical harm, bodily injury or assault,
110 including, but not limited to, stalking or a pattern of threatening,
111 between family or household members. Verbal abuse or argument
112 shall not constitute family violence unless there is present danger and
113 the likelihood that physical violence will occur.

114 (2) "Family or household member" means any of the following
115 persons, regardless of the age of such person: (A) [spouses,] Spouses or
116 former spouses; (B) parents [and] or their children; (C) persons
117 [eighteen years of age or older] related by blood or marriage; (D)
118 persons [sixteen years of age or older] other than those persons
119 described in subparagraph (C) of this subdivision presently residing
120 together or who have resided together; (E) persons who have a child in
121 common regardless of whether they are or have been married or have
122 lived together at any time; and (F) persons in, or who have recently
123 been in, a dating relationship. [, regardless of the age of such persons.]

124 (3) "Family violence crime" means a crime as defined in section 53a-
125 24, other than a delinquent act as defined in section 46b-120, which, in
126 addition to its other elements, contains as an element thereof an act of
127 family violence to a family or household member. [and shall] "Family
128 violence crime" does not include acts by parents or guardians
129 disciplining minor children unless such acts constitute abuse.

130 (4) "Institutions and services" means peace officers, service
131 providers, mandated reporters of abuse, agencies and departments
132 that provide services to victims and families and services designed to
133 assist victims and families.

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

137 (d) In all cases of family violence, a written or oral report that
138 indicates whether the parties in the family violence case are parties to a
139 case pending on the family relations docket of the Superior Court and
140 includes recommendation of the local family violence intervention unit
141 shall be available to a judge at the first court date appearance to be
142 presented at any time during the court session on that date. A judge of
143 the Superior Court may consider and impose the following conditions
144 to protect the parties, including, but not limited to: (1) Issuance of a
145 protective order pursuant to subsection (e) of this section; (2)

146 prohibition against subjecting the victim to further violence; (3) referral
147 to a family violence education program for batterers; and (4)
148 immediate referral for more extensive case assessment. Such protective
149 order shall be an order of the court, and the clerk of the court shall
150 cause (A) a copy of such order to be sent to the victim, and (B) a copy
151 of such order, or the information contained in such order, to be sent by
152 facsimile or other means within forty-eight hours of its issuance to the
153 law enforcement agency for the town in which the victim resides and,
154 if the defendant resides in a town different from the town in which the
155 victim resides, to the law enforcement agency for the town in which
156 the defendant resides. If the victim is employed in a town different
157 from the town in which the victim resides, the clerk of the court shall,
158 upon the request of the victim, send, by facsimile or other means, a
159 copy of such order, or the information contained in such order, to the
160 law enforcement agency for the town in which the victim is employed
161 [within] not later than forty-eight hours [of] after the issuance of such
162 order. If the victim is enrolled in a public or private elementary or
163 secondary school, including a regional vocational technical school, or
164 an institution of higher education, as defined in section 10a-55, the
165 clerk of the court shall, upon the request of the victim, send, by
166 facsimile or other means, a copy of such order, or the information
167 contained in such order, to such school or institution of higher
168 education, the president of any institution of higher education at
169 which the victim is enrolled and the special police force established
170 pursuant to section 10a-142, if any, at the institution of higher
171 education at which the victim is enrolled.

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

174 (a) Upon the arrest of a person for a violation of subdivision (1) or
175 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
176 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
177 53a-181c, as amended by this act, 53a-181d or 53a-181e, the court may
178 issue a protective order pursuant to this section. Upon the arrest of a
179 person for a violation of section 53a-182b or 53a-183, the court may

180 issue a protective order pursuant to this section if it finds that such
181 violation caused the victim to reasonably fear for his or her physical
182 safety. Such order shall be an order of the court, and the clerk of the
183 court shall cause (1) a copy of such order, or the information contained
184 in such order, to be sent to the victim, and (2) a copy of such order, or
185 the information contained in such order, to be sent by facsimile or
186 other means [within] not later than forty-eight hours [of] after its
187 issuance to the law enforcement agency or agencies for the town in
188 which the victim resides, the town in which the victim is employed
189 and the town in which the defendant resides. If the victim is enrolled
190 in a public or private elementary or secondary school, including a
191 regional vocational technical school, or an institution of higher
192 education, as defined in section 10a-55, the clerk of the court shall,
193 upon the request of the victim, send, by facsimile or other means, a
194 copy of such order, or the information contained in such order, to such
195 school or institution of higher education, the president of any
196 institution of higher education at which the victim is enrolled and the
197 special police force established pursuant to section 10a-142, if any, at
198 the institution of higher education at which the victim is enrolled.

199 (b) A protective order issued under this section may include
200 provisions necessary to protect the victim from threats, harassment,
201 injury or intimidation by the defendant, including but not limited to,
202 an order enjoining the defendant from (1) imposing any restraint upon
203 the person or liberty of the victim, (2) threatening, harassing,
204 assaulting, molesting or sexually assaulting the victim, or (3) entering
205 the dwelling of the victim. A protective order issued under this section
206 may include provisions necessary to protect any animal owned or kept
207 by the victim including, but not limited to, an order enjoining the
208 defendant from injuring or threatening to injure such animal. Such
209 order shall be made a condition of the bail or release of the defendant
210 and shall contain the following language: "In accordance with section
211 53a-223 of the Connecticut general statutes, any violation of this order
212 constitutes criminal violation of a protective order which is punishable
213 by a term of imprisonment of not more than five years, a fine of not

214 more than five thousand dollars, or both. Additionally, in accordance
215 with section 53a-107 of the Connecticut general statutes, entering or
216 remaining in a building or any other premises in violation of this order
217 constitutes criminal trespass in the first degree which is punishable by
218 a term of imprisonment of not more than one year, a fine of not more
219 than two thousand dollars, or both. Violation of this order also violates
220 a condition of your bail or release and may result in raising the amount
221 of bail or revoking release.".

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

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

227 (a) The duties of the Court Support Services Division shall include:
228 (1) To promptly interview, prior to arraignment, any person referred
229 by the police pursuant to section 54-63c or by a judge. Such interview
230 shall include, but not be limited to, information concerning the accused
231 person, his or her family, community ties, prior criminal record and
232 physical and mental condition; (2) to seek independent verification of
233 information obtained during the interview, if practicable; (3) to
234 determine, as provided in section 54-63d, or to make recommendations
235 on request of any judge, concerning the terms and conditions of the
236 release of arrested persons from custody pending final disposition of
237 their cases; (4) to prepare a written report on all persons interviewed
238 and, upon request and pursuant to the procedures established under
239 subsection (f) of section 54-63d, provide copies of the report to the
240 court, defense counsel and state's attorney. Such report shall contain
241 the information obtained during the interview and verification
242 process, the person's prior criminal record, where possible, and the
243 determination or recommendation of the commissioner pursuant to
244 section 54-63d concerning the terms and conditions of the release of the
245 persons so interviewed; (5) to give prior notice of each required court
246 appearance to each person released following an interview by a bail

247 commissioner; (6) to supervise pursuant to the direction of the court
248 those persons released on nonfinancial conditions; (7) to inform the
249 court and the state's attorney of any failure to comply with terms and
250 conditions of release, including the arrest of persons released under its
251 supervision; (8) to monitor, evaluate and provide information
252 concerning terms and conditions of release and the release criteria
253 established under [subdivision (2) of subsection (c)] subsection (b) of
254 this section, to prepare periodic reports on its activities, and to provide
255 such other information as is needed to assist in the improvement of the
256 pretrial release process; (9) to perform such other functions as the
257 Chief Court Administrator may, from time to time, assign.

258 (b) The Court Support Services Division shall establish written
259 uniform weighted release criteria based upon the premise that the least
260 restrictive condition or conditions of release necessary to [insure]
261 ensure the appearance in court of the defendant and sufficient to
262 reasonably ensure the safety of any other person will not be
263 endangered is the pretrial release alternative of choice. Such criteria
264 shall be based on, but not be limited to, the following considerations:
265 (1) The nature and circumstances of the offense insofar as they are
266 relevant to the risk of nonappearance; (2) the defendant's record of
267 previous convictions; (3) the defendant's past record of appearance in
268 court after being admitted to bail; (4) the defendant's family ties; (5) the
269 defendant's employment record; (6) the defendant's financial
270 resources, character and mental condition; and (7) the defendant's
271 community ties.

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

275 (h) (1) There shall be a pretrial family violence education program
276 for persons who are charged with family violence crimes. At a
277 minimum, such program shall inform participants of the basic
278 elements of family violence law and applicable penalties. The court
279 may, in its discretion, invoke such program on motion of the

280 defendant when it finds: (A) That the defendant has not previously
281 been convicted of a family violence crime which occurred on or after
282 October 1, 1986; (B) the defendant has not had a previous case assigned
283 to the family violence education program; (C) the defendant has not
284 previously invoked or accepted accelerated rehabilitation under
285 section 54-56e for a family violence crime which occurred on or after
286 October 1, 1986; and (D) that the defendant is not charged with a class
287 A, class B or class C felony, or an unclassified felony carrying a term of
288 imprisonment of more than ten years, or unless good cause is shown, a
289 class D felony, [or] an unclassified offense carrying a term of
290 imprisonment of more than five years or an offense that involved the
291 infliction of serious physical injury, as defined in section 53a-3.
292 Participation by any person in the accelerated pretrial rehabilitation
293 program under section 54-56e prior to October 1, 1986, shall not
294 prohibit eligibility of such person for the pretrial family violence
295 education program under this section. The court may require that the
296 defendant answer such questions under oath, in open court or before
297 any person designated by the clerk and duly authorized to administer
298 oaths, under the penalties of perjury as will assist the court in making
299 these findings.

300 (2) The court, on such motion, may refer the defendant to the family
301 violence intervention unit, and may continue the defendant's case
302 pending the submission of the report of the unit to the court. The court
303 shall also give notice to the victim or victims that the defendant has
304 requested assignment to the family violence education program, and,
305 where possible, give the victim or victims opportunity to be heard.
306 Any defendant who accepts placement in the family violence
307 education program shall agree to the tolling of any statute of
308 limitations with respect to the crime or crimes with which the
309 defendant is charged, and to a waiver of the defendant's right to a
310 speedy trial. Any such defendant shall appear in court and shall be
311 released to the custody of the family violence intervention unit for
312 such period, not exceeding two years, and under such conditions as
313 the court shall order. If the defendant refuses to accept, or, having

314 accepted, violates such conditions, the defendant's case shall be
315 brought to trial. If the defendant satisfactorily completes the family
316 violence education program and complies with the conditions imposed
317 for the period set by the court, the defendant may apply for dismissal
318 of the charges against the defendant and the court, on finding
319 satisfactory compliance, shall dismiss such charges.

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

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

324 If any person is convicted of a violation of section 53a-59, 53a-59a,
325 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-
326 64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
327 72a, 53a-72b, 53a-181c, as amended by this act, 53a-181d, 53a-181e, 53a-
328 182, 53a-182b, 53a-183, 53a-223, 53a-223a or 53a-223b, against a family
329 or household member, as defined in section 46b-38a, as amended by
330 this act, [or a person in a dating relationship,] the court shall include a
331 designation that such conviction involved [domestic] family violence
332 on the court record for the purposes of criminal history record
333 information, as defined in subsection (a) of section 54-142g.

334 Sec. 8. (NEW) (*Effective October 1, 2012*) Any person listed as a
335 protected person on a restraining order, protective order, standing
336 criminal protective order or foreign order of protection who believes
337 that an electronic or telephonic communication received by the person
338 constitutes a violation of section 53a-223, 53a-223a or 53a-223b of the
339 general statutes may file a complaint reporting such alleged violation
340 with the law enforcement agency for the town in which (1) such person
341 resides, (2) such person received the communication, or (3) such
342 communication was initiated. Such law enforcement agency shall
343 accept such complaint, prepare a police report on the matter, provide
344 the complainant with a copy of such report and investigate such
345 alleged violation and shall, if necessary, coordinate such investigation

346 with any other law enforcement agencies and, upon request of the
347 complainant, notify the law enforcement agency for the town in which
348 the complainant resides.

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

351 (NEW) (f) Any defendant who is charged with a violation of section
352 53a-223, 53a-223a or 53a-223b by means of electronic or telephonic
353 communication may be presented to the court in the geographical area
354 in which (1) the victim resides, (2) the victim received the
355 communication, or (3) the communication was initiated. Such
356 defendant may be prosecuted in any such geographical area or a
357 corresponding judicial district.

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

360 (a) A person is guilty of threatening in the first degree when such
361 person (1) (A) threatens to commit any crime involving the use of a
362 hazardous substance with the intent to terrorize another person, to
363 cause evacuation of a building, place of assembly or facility of public
364 transportation or otherwise to cause serious public inconvenience, or
365 (B) threatens to commit such crime in reckless disregard of the risk of
366 causing such terror, evacuation or inconvenience; [, or] (2) (A)
367 threatens to commit any crime of violence with the intent to cause
368 evacuation of a building, place of assembly or facility of public
369 transportation or otherwise to cause serious public inconvenience, or
370 (B) threatens to commit such crime in reckless disregard of the risk of
371 causing such evacuation or inconvenience; or (3) commits threatening
372 in the second degree as provided in section 53a-62, and in the
373 commission of such offense he uses or is armed with and threatens the
374 use of or displays or represents by his words or conduct that he
375 possesses a pistol, revolver, shotgun, rifle, machine gun or other
376 firearm. No person shall be found guilty of threatening in the first
377 degree under subdivision (3) of this subsection and threatening in the

378 second degree upon the same transaction but such person may be
379 charged and prosecuted for both such offenses upon the same
380 information.

381 (b) For the purposes of this section, "hazardous substance" means
382 any physical, chemical, biological or radiological substance or matter
383 which, because of its quantity, concentration or physical, chemical or
384 infectious characteristics, may cause or significantly contribute to an
385 increase in mortality or an increase in serious irreversible or
386 incapacitating reversible illness, or pose a substantial present or
387 potential hazard to human health.

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

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

391 (a) A person is guilty of stalking in the first degree when [he] such
392 person commits stalking in the second degree as provided in section
393 53a-181d, as amended by this act, and (1) [he] such person has
394 previously been convicted of [this section or] a violation of section 53a-
395 181d, as amended by this act, or (2) such conduct violates a court order
396 in effect at the time of the offense, or (3) the other person is under
397 sixteen years of age.

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

399 Sec. 12. Section 53a-181d of the general statutes is repealed and the
400 following is substituted in lieu thereof (*Effective October 1, 2012*):

401 (a) For the purposes of this section, "course of conduct" means two
402 or more acts, including, but not limited to, acts in which a person
403 directly, indirectly or through a third party, by any action, method,
404 device or means, (1) follows, lies in wait for, monitors, observes,
405 surveils, threatens, harasses, communicates with or sends unwanted
406 gifts to, a person, or (2) interferes with a person's property.

407 [(a)] (b) A person is guilty of stalking in the second degree when: [

408 with intent to cause another person to fear for his physical safety, he
409 wilfully and repeatedly follows or lies in wait for such other person
410 and causes such other person to reasonably fear for his physical safety]

411 (1) Such person knowingly engages in a course of conduct directed
412 at a specific person that would cause a reasonable person to fear for
413 such person's physical safety or the physical safety of a third person; or

414 (2) Such person intentionally, and for no legitimate purpose,
415 engages in a course of conduct directed at a specific person that would
416 cause a reasonable person to fear that such person's employment,
417 business or career is threatened, where (A) such conduct consists of the
418 actor telephoning to, appearing at or initiating communication or
419 contact at such other person's place of employment or business,
420 provided the actor was previously and clearly informed to cease such
421 conduct, and (B) such conduct does not consist of constitutionally
422 protected activity.

423 [(b)] (c) Stalking in the second degree is a class A misdemeanor.

424 Sec. 13. Section 53a-183 of the general statutes is repealed and the
425 following is substituted in lieu thereof (*Effective October 1, 2012*):

426 (a) A person is guilty of harassment in the second degree when: (1)
427 By telephone, he addresses another in or uses indecent or obscene
428 language; or (2) with intent to harass, annoy or alarm another person,
429 he communicates with a person by telegraph or mail, by electronically
430 transmitting a facsimile through connection with a telephone network,
431 by computer network, as defined in section 53a-250, or by any other
432 form of written communication, in a manner likely to cause annoyance
433 or alarm; or (3) with intent to harass, annoy or alarm another person,
434 he makes a telephone call, whether or not a conversation ensues, in a
435 manner likely to cause annoyance or alarm.

436 (b) For the purposes of this section, such offense may be deemed to
437 have been committed either at the place where the [telephone call was
438 made,] communication originated or at the place where it was

439 received.

440 (c) The court may order any person convicted under this section to
441 be examined by one or more psychiatrists.

442 (d) Harassment in the second degree is a class C misdemeanor.

443 Sec. 14. Section 53a-32 of the general statutes is repealed and the
444 following is substituted in lieu thereof (*Effective October 1, 2012*):

445 (a) At any time during the period of probation or conditional
446 discharge, the court or any judge thereof may issue a warrant for the
447 arrest of a defendant for violation of any of the conditions of probation
448 or conditional discharge, or may issue a notice to appear to answer to a
449 charge of such violation, which notice shall be personally served upon
450 the defendant. Any such warrant shall authorize all officers named
451 therein to return the defendant to the custody of the court or to any
452 suitable detention facility designated by the court. Whenever a
453 probation officer has probable cause to believe that a person has
454 violated a condition of such person's probation, such probation officer
455 may notify any police officer that such person has, in such officer's
456 judgment, violated the conditions of such person's probation and such
457 notice shall be sufficient warrant for the police officer to arrest such
458 person and return such person to the custody of the court or to any
459 suitable detention facility designated by the court. Whenever a
460 probation officer so notifies a police officer, the probation officer shall
461 notify the victim of the offense for which such person is on probation,
462 provided the probation officer has been provided with the name and
463 contact information for such victim. Any probation officer may arrest
464 any defendant on probation without a warrant or may deputize any
465 other officer with power to arrest to do so by giving such other officer
466 a written statement setting forth that the defendant has, in the
467 judgment of the probation officer, violated the conditions of the
468 defendant's probation. Such written statement, delivered with the
469 defendant by the arresting officer to the official in charge of any
470 correctional center or other place of detention, shall be sufficient

471 warrant for the detention of the defendant. After making such an
472 arrest, such probation officer shall present to the detaining authorities
473 a similar statement of the circumstances of violation. Provisions
474 regarding release on bail of persons charged with a crime shall be
475 applicable to any defendant arrested under the provisions of this
476 section. Upon such arrest and detention, the probation officer shall
477 immediately so notify the court or any judge thereof.

478 (b) When the defendant is presented for arraignment on the charge
479 of violation of any of the conditions of probation or conditional
480 discharge, the court shall review any conditions previously imposed
481 on the defendant and may order, as a condition of the pretrial release
482 of the defendant, that the defendant comply with any or all of such
483 conditions in addition to any conditions imposed pursuant to section
484 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,
485 orders that the defendant remain under the supervision of a probation
486 officer or other designated person or organization, the defendant shall
487 be supervised by the Court Support Services Division of the Judicial
488 Branch in accordance with subsection (a) of section 54-63b, as amended
489 by this act.

490 (c) Upon notification by the probation officer of the arrest of the
491 defendant or upon an arrest by warrant as herein provided, the court
492 shall cause the defendant to be brought before it without unnecessary
493 delay for a hearing on the violation charges. At such hearing the
494 defendant shall be informed of the manner in which such defendant is
495 alleged to have violated the conditions of such defendant's probation
496 or conditional discharge, shall be advised by the court that such
497 defendant has the right to retain counsel and, if indigent, shall be
498 entitled to the services of the public defender, and shall have the right
499 to cross-examine witnesses and to present evidence in such
500 defendant's own behalf. Unless good cause is shown, a charge of
501 violation of any of the conditions of probation or conditional discharge
502 shall be disposed of or scheduled for a hearing not later than one
503 hundred twenty days after the defendant is arraigned on such charge.

504 (d) If such violation is established, the court may: (1) Continue the
505 sentence of probation or conditional discharge; (2) modify or enlarge
506 the conditions of probation or conditional discharge; (3) extend the
507 period of probation or conditional discharge, provided the original
508 period with any extensions shall not exceed the periods authorized by
509 section 53a-29; or (4) revoke the sentence of probation or conditional
510 discharge. If such sentence is revoked, the court shall require the
511 defendant to serve the sentence imposed or impose any lesser
512 sentence. Any such lesser sentence may include a term of
513 imprisonment, all or a portion of which may be suspended entirely or
514 after a period set by the court, followed by a period of probation with
515 such conditions as the court may establish. No such revocation shall be
516 ordered, except upon consideration of the whole record and unless
517 such violation is established by the introduction of reliable and
518 probative evidence and by a preponderance of the evidence.

519 Sec. 15. Section 54-142m of the general statutes is repealed and the
520 following is substituted in lieu thereof (*Effective October 1, 2012*):

521 (a) A criminal justice agency holding nonconviction information
522 may disclose it to persons or agencies not otherwise authorized (1) for
523 the purposes of research, evaluation or statistical analysis, or (2) if
524 there is a specific agreement with a criminal justice agency to provide
525 services required for the administration of criminal justice pursuant to
526 such agreement. The Judicial Branch may disclose nonconviction
527 information to a state agency pursuant to an agreement to provide
528 services related to the collection of moneys due. Any such disclosure of
529 information shall be limited to that information necessary for the
530 collection of moneys due. Pursuant to an agreement, the Judicial
531 Branch may disclose nonconviction information to the Department of
532 Mental Health and Addiction Services for the administration of court-
533 ordered evaluations and the provision of programs and services to
534 persons with psychiatric disabilities and substance abuse treatment
535 needs. Pursuant to an agreement, the Judicial Branch may disclose
536 nonconviction information to advocates for victims of family violence
537 to allow such advocates to develop plans to provide for the safety of

538 victims and victims' minor children, provided such agreement
539 prohibits such advocates from disclosing such nonconviction
540 information to any person, including, but not limited to, a victim of
541 family violence.

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

545 (c) The agreement shall specify the information to be disclosed, the
546 persons to whom it is to be disclosed, the purposes for which it is to be
547 used, the precautions to be taken to insure the security and
548 confidentiality of the information and the sanctions for improper
549 disclosure or use.

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

554 Sec. 16. Section 51-286e of the general statutes is repealed and the
555 following is substituted in lieu thereof (*Effective October 1, 2012*):

556 (a) For the purposes of this section, "victim" includes the legal
557 representative of the victim or a member of the deceased victim's
558 immediate family.

559 (b) The state's attorney for a judicial district wherein an offense has
560 been committed shall notify any victim of the offense, if such victim
561 has requested notification and provided the state's attorney with a
562 current address, of any judicial proceedings relating to [his] the
563 victim's case including (1) the arrest of the defendant, (2) the
564 arraignment of the defendant, (3) the release of the defendant pending
565 judicial proceedings, and (4) proceedings in the prosecution of the
566 defendant, including the dismissal of the charges against the
567 defendant, the entry of a nolle prosequi to the charges against the
568 defendant, the entry of a plea of guilty [,] by the defendant, and the

569 trial and sentencing of the defendant.

570 Sec. 17. Subdivision (7) of subsection (b) of section 54-203 of the
571 general statutes is repealed and the following is substituted in lieu
572 thereof (*Effective October 1, 2012*):

573 (7) To provide each person who applies for compensation pursuant
574 to section 54-204, within ten days of the date of receipt of such
575 application, with a written list of rights of victims of crime involving
576 personal injury and the programs available in this state to assist such
577 victims. The Office of Victim Services, the state or any agent, employee
578 or officer thereof shall not be liable for the failure to supply such list or
579 any alleged inadequacies of such list. Such list shall include, but not be
580 limited to:

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

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

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

596 (D) Subject to the provisions of section 54-126a, the victim shall have
597 the right to appear before a panel of the Board of Pardons and Paroles
598 and make a statement as to whether the defendant should be released
599 on parole and any terms or conditions to be imposed upon any such

600 release;

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

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

609 (G) Subject to the provisions of section 54-85b, the victim cannot be
610 fired, harassed or otherwise retaliated against by an employer for
611 appearing under a subpoena as a witness in any criminal prosecution;

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

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

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

623 (K) Subject to the provisions of section 53a-32, as amended by this
624 act, the victim may receive notification from a probation officer
625 whenever the officer has notified a police officer that the probation
626 officer has probable cause to believe that the offender has violated a
627 condition of such offender's probation.

628 Sec. 18. Section 54-216 of the 2012 supplement to the general statutes
629 is repealed and the following is substituted in lieu thereof (*Effective*

630 *October 1, 2012*):

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

637 (b) The Office of Victim Services or, on review, a victim
638 compensation commissioner may order that such restitution services
639 be provided to victims of child abuse and members of their families,
640 victims of sexual assault and members of their families, victims of
641 domestic violence and members of their families, [and] members of the
642 family of any victim of homicide, and children who witness domestic
643 violence, including, but not limited to, children who are not related to
644 the victim. For the purposes of this subsection, "members of their
645 families" or "member of the family" does not include the person
646 responsible for such child abuse, sexual assault, domestic violence or
647 homicide.

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

650 Sec. 19. Subsection (e) of section 46b-38b of the 2012 supplement to
651 the general statutes is repealed and the following is substituted in lieu
652 thereof (*Effective October 1, 2012*):

653 (e) (1) Each law enforcement agency shall develop, in conjunction
654 with the Division of Criminal Justice, and implement specific
655 operational guidelines for arrest policies in family violence incidents.
656 Such guidelines shall include, but not be limited to: (A) Procedures for
657 the conduct of a criminal investigation; (B) procedures for arrest and
658 for victim assistance by peace officers; (C) education as to what
659 constitutes speedy information in a family violence incident; (D)
660 procedures with respect to the provision of services to victims; and (E)
661 such other criteria or guidelines as may be applicable to carry out the

662 purposes of sections 46b-1, 46b-15, as amended by this act, 46b-38a to
663 46b-38f, inclusive, as amended by this act, and 54-1g, as amended by
664 this act. Such procedures shall be duly promulgated by such law
665 enforcement agency. On and after October 1, 2012, each law
666 enforcement agency shall develop and implement specific operational
667 guidelines for arrest policies in family violence incidents which, at a
668 minimum, meet the standards set forth in the model law enforcement
669 policy on family violence established in subdivision (2) of this
670 subsection.

671 (2) There is established a model law enforcement policy on family
672 violence for the state. Such policy shall consist of the model policy
673 submitted by the task force established in section 19 of public act 11-
674 152 on January 31, 2012, to the joint standing committee of the General
675 Assembly having cognizance of matters relating to the judiciary, as
676 amended from time to time by the Family Violence Model Policy
677 Governing Council established pursuant to section 25 of this act.

678 (3) Not later than January 15, 2013, and annually thereafter, the
679 chairperson of the Police Officer Standards and Training Council shall
680 provide notice of updates to the model policy, if any, adopted by the
681 council during the prior calendar year, to the chief law enforcement
682 officer of each municipality having a police department, the law
683 enforcement instructor of each such police department, and the
684 Commissioner of Emergency Services and Public Protection.

685 (4) Not later than July 1, 2013, and annually thereafter, each law
686 enforcement agency shall submit a report to the Commissioner of
687 Emergency Services and Public Protection, in such form as the
688 commissioner prescribes, regarding the law enforcement agency's
689 compliance with the model law enforcement policy on family violence
690 for the state.

691 [(2)] (5) On and after July 1, 2010, each law enforcement agency shall
692 designate at least one officer with supervisory duties to expeditiously
693 process, upon request of a victim of family violence or other crime who

694 is applying for U Nonimmigrant Status (A) a certification of
695 helpfulness on Form I-918, Supplement B, or any subsequent
696 corresponding form designated by the United States Department of
697 Homeland Security, confirming that the victim of family violence or
698 other crime has been helpful, is being helpful, or is likely to be helpful
699 in the investigation or prosecution of the criminal activity, and (B) any
700 subsequent certification required by the victim.

701 Sec. 20. Subsection (f) of section 53a-28 of the general statutes is
702 repealed and the following is substituted in lieu thereof (*Effective*
703 *October 1, 2012*):

704 (f) When sentencing a person to a period of probation who is or has
705 been subject to a protective order, [issued under section 54-1k,] the
706 court may issue a protective order that is effective during such period
707 of probation.

708 Sec. 21. Section 54-1g of the general statutes is repealed and the
709 following is substituted in lieu thereof (*Effective October 1, 2012*):

710 (a) Any arrested person who is not released sooner or who is
711 charged with a family violence crime as defined in section 46b-38a, as
712 amended by this act, or a violation of section 53a-181c, as amended by
713 this act, 53a-181d or 53a-181e shall be promptly presented before the
714 superior court sitting next regularly for the geographical area where
715 the offense is alleged to have been committed. If an arrested person is
716 hospitalized, or has escaped or is otherwise incapacitated, the person
717 shall be presented, if practicable, to the first regular sitting after return
718 to police custody.

719 (b) Any arrested person who is charged with a violation of section
720 53a-223, 53a-223a or 53a-223b shall be promptly presented to the
721 superior court next sitting for the geographical area where the offense
722 is alleged to have been committed. If the alleged offense was
723 committed in a geographical area of the Superior Court other than the
724 geographical area where the protective order was issued, the
725 prosecutorial official for the geographical area of the Superior Court

726 where the alleged offense was committed shall notify the prosecutorial
727 official for the geographical area where the protective order was issued
728 of the alleged violation of such protective order. On motion of any
729 party or the court, the prosecution of such offense may be transferred
730 to the superior court for the geographical area where the protective
731 order was issued.

732 Sec. 22. Subsection (c) of section 54-69 of the general statutes is
733 repealed and the following is substituted in lieu thereof (*Effective*
734 *October 1, 2012*):

735 (c) Notwithstanding the provisions of subsection (b) of this section,
736 a hearing may be had on an application by any such state's attorney
737 without a copy of such application and notice of the hearing being
738 served upon the surety or sureties upon such bond, if any, the
739 appropriate bail commissioner and the accused person if the accused
740 person is charged with the commission of a family violence crime, as
741 defined in section 46b-38a, as amended by this act, or a violation of
742 section 53a-181c, as amended by this act, 53a-181d, 53a-181e, 53a-223,
743 53a-223a or 53a-223b and is being presented at the next sitting of the
744 Superior Court as required by section 54-1g, as amended by this act.

745 Sec. 23. Subsection (d) of section 46b-38b of the 2012 supplement to
746 the general statutes is repealed and the following is substituted in lieu
747 thereof (*Effective July 1, 2012*):

748 (d) It shall be the responsibility of the peace officer at the scene of a
749 family violence incident to provide immediate assistance to the victim.
750 Such assistance shall include, but not be limited to: (1) Assisting the
751 victim to obtain medical treatment if such treatment is required; (2)
752 notifying the victim of the right to file an affidavit for a warrant for
753 arrest; (3) informing the victim of services available, including
754 providing the victim with contact information for a regional family
755 violence organization that employs, or provides referrals to, counselors
756 who are trained in providing trauma-informed care; (4) referring the
757 victim to the Office of Victim Services; and (5) providing assistance in

758 accordance with the uniform protocols for treating victims of family
759 violence whose immigration status is questionable established
760 pursuant to subsection (g) of this section. In cases where the officer has
761 determined that no cause exists for an arrest, assistance shall include:
762 (A) Assistance as provided in subdivisions (1) to (5), inclusive, of this
763 subsection; and (B) remaining at the scene for a reasonable time until,
764 in the reasonable judgment of the officer, the likelihood of further
765 imminent violence has been eliminated. For the purposes of this
766 subsection, "trauma-informed care" means services (i) directed by a
767 thorough understanding of the neurological, biological, psychological
768 and social effects of trauma and violence on a person; and (ii)
769 delivered by a regional family violence organization that employs, or
770 provides referrals to, counselors who: (I) Make available to the victim
771 of family violence resources on trauma exposure, its impact and
772 treatment; (II) engage in efforts to strengthen the resilience and
773 protective factors of victims of family violence who are impacted by
774 and vulnerable to trauma; (III) emphasize continuity of care and
775 collaboration among organizations that provide services to children;
776 and (IV) maintain professional relationships for referral and
777 consultation purposes with programs and persons with expertise in
778 trauma-informed care.

779 Sec. 24. Subsection (g) of section 46b-38c of the 2012 supplement to
780 the general statutes is repealed and the following is substituted in lieu
781 thereof (*Effective July 1, 2012*):

782 (g) In cases referred to the local family violence intervention unit, it
783 shall be the function of the unit to (1) identify victim service needs and,
784 by contract with victim service providers, make available appropriate
785 services that include, but are not limited to, the provision of trauma-
786 informed care by a counselor who provides trauma-informed care, or a
787 referral to a counselor, and (2) identify appropriate offender services
788 and where possible, by contract, provide treatment programs for
789 offenders. For purposes of this subsection, "trauma-informed care"
790 means [services directed by a thorough understanding of the
791 neurological, biological, psychological and social effects of trauma and

792 violence on a person] trauma-informed care, as defined in subsection
793 (d) of section 46b-38b, as amended by this act.

794 Sec. 25. (NEW) (*Effective from passage*) (a) There is established a
795 Family Violence Model Policy Governing Council for the purpose of
796 (1) evaluating policies and procedures used by law enforcement
797 agencies when responding to incidents of family violence and
798 violations of restraining orders and protective orders, (2) reviewing
799 and updating the model law enforcement policy on family violence for
800 the state established in section 46b-38b of the general statutes, as
801 amended by this act, and (3) evaluating the accuracy of data collected
802 by the Department of Emergency Services and Public Protection under
803 section 46b-38d of the general statutes and the Court Support Services
804 Division under section 46b-38f of the general statutes.

805 (b) The council shall consist of the following members:

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

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

808 (3) One municipal police officer with experience in domestic
809 violence training, appointed by the majority leader of the House of
810 Representatives;

811 (4) One victim of domestic violence, appointed by the majority
812 leader of the Senate;

813 (5) One appointed by the minority leader of the House of
814 Representatives;

815 (6) One appointed by the minority leader of the Senate;

816 (7) One appointed by the Governor;

817 (8) One representative of the Police Officer Standards and Training
818 Council with experience in domestic violence training, appointed by
819 the chairperson of the council;

820 (9) One representative of the Office of the Chief State's Attorney,
821 appointed by the Chief State's Attorney;

822 (10) One representative of the Office of the Chief Public Defender,
823 appointed by the Chief Public Defender;

824 (11) One representative of the Office of the Victim Advocate,
825 appointed by the Victim Advocate;

826 (12) One representative of the Division of State Police with
827 experience in domestic violence training, and one commanding officer
828 in the Division of State Police, each appointed by the Commissioner of
829 Emergency Services and Public Protection;

830 (13) One judge of the Superior Court assigned to hear criminal
831 matters, appointed by the Chief Court Administrator;

832 (14) One victim of domestic violence, one victim advocate with
833 courtroom experience in domestic violence matters and one
834 representative of the Connecticut Coalition Against Domestic Violence,
835 Inc., each appointed by the executive director of the Connecticut
836 Coalition Against Domestic Violence, Inc.;

837 (15) One representative of the legal aid programs in Connecticut,
838 appointed by the executive director of the Legal Assistance Resource
839 Center of Connecticut; and

840 (16) One representative of the Connecticut Police Chiefs
841 Association, appointed by the president of the association.

842 (c) Any member of the council appointed under subdivision (1), (2),
843 (5) or (6) of subsection (b) of this section may be a member of the
844 General Assembly.

845 (d) All members of said council shall be appointed on or before July
846 1, 2012, and quadrennially thereafter, to serve for a term of four years.
847 Any member may be reappointed, and any member may continue to
848 serve until such member's successor is appointed and qualified. Any

849 vacancy shall be filled by the appointing authority.

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

854 (f) The administrative staff of the joint standing committee of the
855 General Assembly having cognizance of matters relating to public
856 safety shall serve as administrative staff of the council.

857 (g) Not later than January 15, 2013, and annually thereafter, the
858 council shall submit a report in accordance with section 11-4a of the
859 general statutes to the joint standing committees of the General
860 Assembly having cognizance of matters relating to the judiciary and
861 public safety regarding the effectiveness of the model law enforcement
862 policy on family violence for the state established in section 46b-38b of
863 the general statutes, as amended by this act, and identifying any
864 amendments to such model policy adopted during the prior calendar
865 year.

866 Sec. 26. (*Effective from passage*) (a) The Office of State-Wide
867 Emergency Telecommunications shall conduct a study to determine
868 the cost, feasibility and public safety considerations of redesigning the
869 state-wide emergency 9-1-1 telephone system in a manner that allows
870 individuals to send a text message with or from a mobile telephone or
871 mobile electronic device to the state-wide emergency 9-1-1 telephone
872 system and receive a text message response through such system. In
873 conducting such study, the office shall seek the advice of the E 9-1-1
874 Commission established pursuant to section 28-29a of the general
875 statutes.

876 (b) Not later than January 15, 2013, the Office of State-Wide
877 Emergency Telecommunications shall submit a report containing the
878 findings of the study to the joint standing committees of the General
879 Assembly having cognizance of matters relating to public safety and
880 criminal law, in accordance with the provisions of section 11-4a of the

881 general statutes.

| | | |
|---|------------------------|--------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2012</i> | 46b-15 |
| 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-181d |
| Sec. 13 | <i>October 1, 2012</i> | 53a-183 |
| Sec. 14 | <i>October 1, 2012</i> | 53a-32 |
| Sec. 15 | <i>October 1, 2012</i> | 54-142m |
| Sec. 16 | <i>October 1, 2012</i> | 51-286e |
| Sec. 17 | <i>October 1, 2012</i> | 54-203(b)(7) |
| Sec. 18 | <i>October 1, 2012</i> | 54-216 |
| Sec. 19 | <i>October 1, 2012</i> | 46b-38b(e) |
| Sec. 20 | <i>October 1, 2012</i> | 53a-28(f) |
| Sec. 21 | <i>October 1, 2012</i> | 54-1g |
| Sec. 22 | <i>October 1, 2012</i> | 54-69(c) |
| Sec. 23 | <i>July 1, 2012</i> | 46b-38b(d) |
| Sec. 24 | <i>July 1, 2012</i> | 46b-38c(g) |
| Sec. 25 | <i>from passage</i> | New section |
| Sec. 26 | <i>from passage</i> | New section |

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.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

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 1st degree threatening and 1st 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.

House "A" struck the language of the underlying bill and resulted in the fiscal impact described above.

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5548 (as amended by House "A")******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 without a court-ordered extension;
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. with exceptions, excluding from CSSD's pretrial family violence education program those charged with a family violence crime that inflicted serious bodily injury on victims unless good cause is shown;
 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 1st degree threatening;
 10. making a person guilty of second-degree harassment in the place where the communication originated or was received rather than where the telephone call made;
 11. 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;
 12. 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;
 13. specifying that prosecutors notify crime victims who ask when a defendant's criminal charges are dismissed or nolle;
 14. 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;
 15. establishing a state-wide model family law enforcement policy;

16. requiring law enforcement agencies to, at a minimum, meet model policy standards and submit annual compliance reports; and
17. 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.

*House Amendment "A" among other things:

1. expands the definition of trauma-informed care,
2. requires clerks to send a notice of protective orders to a protected person's college or university president upon request,
3. requires courts to get information on whether parties to a family case have a pending family relations case,
4. limits people who may file complaints of electronic or telephonic violations of protective orders to protected people only,
5. eliminates changes to first-degree stalking included in underlying bill,
6. makes changes to second-degree stalking,
7. adds members to the family violence model policy governing

council,

8. expands duties of POST,
9. expands the court's authority when sentencing defendants to probation, and
10. makes changes regarding transferring cases and court hearings.

EFFECTIVE DATE: October 1, 2012, except the provisions on (1) trauma-informed care are effective July 1, 2012 and (2) 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 and a pattern of threatening between such members are 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 or threats of violence. The bill specifies that the court can issue such orders if there is a pattern of threatening actions that constitute 2nd degree threatening. This crime is committed when a person (1) makes a

physical threat that intentionally places or attempts to place another person in fear of imminent serious physical injury, (2) intentionally threatens to commit a violent crime to terrorize his or her target, or (3) performs the same acts as described in (2), but acts with reckless disregard to the target's reaction.

Among other things, such restraining 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.

The bill requires clerks, at a victim's request, to send a copy of the order, including those issued *ex parte* (without a court hearing) 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 president and any special police force.

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 president and any 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.

Family Violence Response and Intervention Unit Reports

By law, counselors employed in a court's Family Violence and Intervention Units are required to provide courts with written or oral reports at the first family violence court date. Judges may use such reports to determine an appropriate disposition of the case before it. The bill requires that the counselors' reports to indicate whether the parties in the family violence case are parties to a case pending on the family relations docket. The latter include divorce, child custody, and other civil family matters.

Eligibility 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 unless they show good cause. They must still meet other eligibility requirements which exclude anyone charged with a (1) class A, B, or C felony or unclassified felony with a possible prison term of more than 10 years or (2) class D felony or unclassified felony with a possible prison term of more than five years, unless the person shows good cause. Thus, the bill's good cause requirement applies to someone charged with a misdemeanor or an unclassified felony punishable by a prison term of five years or less which involved inflicting serious physical injury.

By law, the two-year program serves people charged with, but not convicted of, certain family violence crimes. Courts can allow someone to participate if the person does not have a prior family violence conviction and has not previously participated in the program or accelerated rehabilitation for a family violence crime. 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. 2nd degree threatening,
3. 1st and 2nd degree reckless endangerment,
4. 1st, 2nd, and 3rd degree strangulation,
5. aggravated sexual assault of a minor,
6. disorderly conduct, and
7. 1st and 2nd degree harassment.

LAW ENFORCEMENT ACTIVITIES

§§ 8 & 9 — Reporting Electronic or Telephonic Communications and Prosecuting Violators

The bill permits any protected person on a restraining, protective, or standing criminal protective order or foreign order of protection who receives 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. 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 — 1st Degree Threatening

The bill creates a new form of 1st degree threatening. A person commits the new crime when he or she commits 2nd 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 2nd 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.

1st 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 1st degree threatening and 2nd degree threatening based on the same transaction.

§ 12 — 2nd Degree Stalking

The bill broadens the definition of 2nd degree stalking. Currently, a person commits this crime when, with intent to cause another person to fear for his physical safety, he willfully and repeatedly follows or lies in wait for another person and causes that person to fear for his or

her safety or the physical safety of another.

Under the bill, a person commits the crime when he or she (1) knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her physical safety or the safety of third parties or (2) intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person that would cause a reasonable person to fear that his or her employment, business, or career is threatened. In the latter case, the actionable conduct consists of the actor telephoning to, appearing at, or initiating communication with the victim at his or her workplace, and must be such that the actor was previously and clearly informed to stop. The bill excludes situations under which the actor's conduct is protected by the U.S. Constitution's First Amendment.

Stalking in the 2nd degree is a class A misdemeanor.

Course of Conduct Defined. The bill defines "course of conduct as two or more acts, including those in which a person directly, indirectly, or through a third party, by any action, method device or means, to (1) follow, lies in wait for, monitors, observes, surveils, threatens, harasses, or communicates with or sends unwanted gifts to a person or (2) interfere with a person's property.

§ 15 — 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

§ 18 — 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.

§ 19 — 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 a model law enforcement policy on family violence that 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 as amended by the Family Violence

Model Policy Governing Council the bill establishes (see below).

Annual Updates. The bill requires the chairperson of the Police Officer Standards and Training Council to provide notice of updates to the model policy, if adopted by the council during the prior calendar year. The update must go to the chief law enforcement officer of each municipality with its own police department, and its law enforcement instructor, and the commissioner of the Department of Emergency Services and Public Protection (DESPP).

The first update is due January 15, 2013.

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

§ 20 — Protective Orders for Probationers

Current law permits courts to issue protective orders when sentencing to probation a defendant who was or is currently subject to such an order for certain acts against children. The bill extends the courts authority to issue such order to defendants currently or previously subject to any protective order.

§ 21 — Transferring Cases for Prosecution.

Currently, prosecutors can transfer cases involving criminal violations of standing criminal protective orders from the geographical court where the violation occurred to the court that issued the order. The bill extends this authority to criminal violations of standing criminal protective orders and criminal violations of restraining orders.

§ 22 — Court Hearings Without Prior Notice to Sureties and Bail Commissioners

By law, prosecutors need not give sureties or bail commissioners notice of certain hearings involving modifications of an offender's conditions of release from incarceration. The bill adds criminal

violations of standing criminal protective orders to the list of such crimes.

§§ 23-24 — Trauma informed Care

By law, police officers must give family violence victims counselors who are trained to provide trauma-informed care. Current law describes this as services directed by a thorough understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person. The bill adds that the services must be delivered by a regional family violence organization that employs, or provides referrals to, counselors who:

1. make available to family violence victims resources on trauma exposure and its impact and treatment;
2. engage in efforts to strengthen the resilience and protective factors of victims of family violence who are impacted by and vulnerable to trauma;
3. emphasize continuity of care and collaboration among organizations that provide services to children; and
4. maintain professional relationships for referral and consultation purposes with programs and persons with expertise in trauma-informed care.

§ 25 — FAMILY VIOLENCE MODEL POLICY GOVERNING COUNCIL

The bill establishes an 19-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 each appointed by four top legislative leaders and the governor;
2. a municipal police officer with experience in domestic violence training, appointed by the House majority leader;
3. a victim of domestic violence, appointed by the Senate majority leader;
4. a representative of the Police Officer Standards and Training Council with experience in domestic violence training, appointed by the council's chairperson;
5. a representative of the Office of the Chief State's Attorney, appointed by the chief state's attorney;
6. a representative of the Office of the Chief Public Defender, appointed by the chief public defender;
7. a representative of the Office of the Victim Advocate, appointed by the victim advocate;
8. a representative of the Division of State Police with experience in domestic violence training and one commanding officer in the division, appointed by the DESPP commissioner;
9. a Superior Court judge assigned to hear criminal matters, appointed by the chief court administrator;
10. 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;

- 11. a representative of state legal aid programs, appointed by the executive director of the Legal Assistance Resource Center of Connecticut; and
- 12. 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 Public Safety Committee’s administrative staff to serve as the council’s administrative staff.

The bill requires the council to submit a report to the Judiciary and Public Safety committees by January 15, 2013, and annually thereafter. It must contain information about the effectiveness of the model law enforcement policy on family violence and identify amendments to the model policy adopted during the year.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 42 Nay 0 (03/26/2012)

Public Safety and Security Committee

Joint Favorable
Yea 22 Nay 0 (04/19/2012)

Government Administration and Elections Committee

Joint Favorable

Yea 11 Nay 0 (04/23/2012)