



General Assembly

February Session, 2012

Raised Bill No. 115

LCO No. 895

* _____SB00115VA_JUD030912_____*

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:
(VA)

AN ACT CONCERNING THE MILITARY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

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

1 Section 1. Section 52-146k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Battered women's center" means any office, shelter, host home
5 or center offering assistance to battered women through crisis
6 intervention, emergency shelter referral and medical and legal
7 advocacy, and which meets the Department of Social Services criteria
8 of service provision for such centers.

9 (2) "Battered women's counselor" means any person engaged in a
10 battered women's center (A) who has undergone a minimum of twenty
11 hours of training which shall include, but not be limited to, the
12 dynamics of battering, crisis intervention, communication skills,
13 working with diverse populations, an overview of the state criminal
14 justice system and information about state and community resources

15 for battered women, (B) who is certified as a counselor by the battered
16 women's center which provided such training, (C) who is under the
17 control of a direct service supervisor of a battered women's center, and
18 (D) whose primary purpose is the rendering of advice, counsel and
19 assistance to, and the advocacy of the cause of, battered women.

20 (3) "Confidential communication" means information transmitted
21 between a victim of a battering or a sexual assault and a battered
22 women's counselor or sexual assault counselor in the course of that
23 relationship and in confidence by a means which, so far as the victim is
24 aware, does not disclose the information to a third person other than
25 any person who is present to further the interests of the victim in the
26 consultation or any person to whom disclosure is reasonably necessary
27 for the transmission of the information or for the accomplishment of
28 the purposes for which such counselor is consulted, and includes all
29 information received by, and any advice, report or working paper
30 given or made by, such counselor in the course of the relationship with
31 the victim.

32 (4) "Rape crisis center" means any office, institution or center
33 offering assistance to victims of sexual assault and their families
34 through crisis intervention, medical and legal advocacy and follow-up
35 counseling and which meets the Department of Public Health criteria
36 of service provision for such centers.

37 (5) "Sexual assault counselor" means (A) any person engaged in a
38 rape crisis center who [(A)] (i) has undergone a minimum of twenty
39 hours of training which shall include, but not be limited to, the
40 dynamics of sexual assault and incest, crisis intervention,
41 communication skills, working with diverse populations, an overview
42 of the state criminal justice system, information about hospital and
43 medical systems and information about state and community
44 resources for sexual assault victims, [(B)] (ii) is certified as a counselor
45 by the sexual assault center which has provided such training, [(C)]
46 (iii) is under the control of a direct services supervisor of a rape crisis
47 center, and [(D)] (iv) whose primary purpose is the rendering of

48 advice, counseling and assistance to, and the advocacy of the cause of,
49 victims of sexual assault, or (B) any member of the armed forces of the
50 state or the United States who is trained and certified as a victim
51 advocate or a sexual assault prevention coordinator in accordance with
52 the military's sexual assault prevention and response program.

53 (6) "Victim" means any person who consults a battered women's
54 counselor or a sexual assault counselor for the purpose of securing
55 advice, counseling or assistance concerning a mental, physical or
56 emotional condition caused by a battering or a sexual assault.

57 (b) On or after October 1, 1983, a battered women's counselor or a
58 sexual assault counselor shall not disclose any confidential
59 communications made to such counselor at any time by a victim in any
60 civil or criminal case or proceeding or in any legislative or
61 administrative proceeding unless the victim making the confidential
62 communications waives the privilege, provided under no
63 circumstances shall the location of the battered women's center or rape
64 crisis center or the identity of the battered women's counselor or sexual
65 assault counselor be disclosed in any civil or criminal proceeding. Any
66 request made on or after October 1, 1983, by the defendant or the state
67 for such confidential communications shall be subject to the provisions
68 of this subsection.

69 (c) When a victim is deceased or has been adjudged incompetent by
70 a court of competent jurisdiction, the guardian of the victim or the
71 executor or administrator of the estate of the victim may waive the
72 privilege established by this section.

73 (d) A minor may knowingly waive the privilege established by this
74 section. In any instance where the minor is, in the opinion of the court,
75 incapable of knowingly waiving the privilege, the parent or guardian
76 of the minor may waive the privilege on behalf of the minor, provided
77 such parent or guardian is not the defendant and does not have a
78 relationship with the defendant such that he has an interest in the
79 outcome of the proceeding.

80 (e) The privilege established by this section shall not apply: (1) In
81 matters of proof concerning chain of custody of evidence; (2) in
82 matters of proof concerning the physical appearance of the victim at
83 the time of the injury; or (3) where the battered women's counselor or
84 sexual assault counselor has knowledge that the victim has given
85 perjured testimony and the defendant or the state has made an offer of
86 proof that perjury may have been committed.

87 (f) The failure of any party to testify as a witness pursuant to the
88 provisions of this section shall not result in an inference unfavorable to
89 the state's cause or to the cause of the defendant.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	52-146k

VA

Joint Favorable C/R

JUD