



House of Representatives

General Assembly

File No. 744

January Session, 2013

Substitute House Bill No. 6702

House of Representatives, May 6, 2013

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

AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

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

1 Section 1. Subsection (b) of section 46b-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) The application form shall allow the applicant, at the applicant's
5 option, to indicate whether the respondent holds a permit to carry a
6 pistol or revolver or possesses one or more firearms. The application
7 shall be accompanied by an affidavit made under oath which includes
8 a brief statement of the conditions from which relief is sought. Upon
9 receipt of the application the court shall order that a hearing on the
10 application be held not later than fourteen days from the date of the
11 order. The court, in its discretion, may make such orders as it deems
12 appropriate for the protection of the applicant and such dependent
13 children or other persons as the court sees fit. In making such orders,
14 the court, in its discretion, may consider relevant court records if the

15 records are available to the public from a clerk of the Superior Court or
16 on the Judicial Branch's Internet web site. Such orders may include
17 temporary child custody or visitation rights, and such relief may
18 include, but is not limited to, an order: [enjoining the respondent from
19 (1)] (1) Enjoining the respondent from imposing any restraint upon the
20 person or liberty of the applicant; (2) enjoining the respondent from
21 threatening, harassing, assaulting, molesting, sexually assaulting or
22 attacking the applicant; [or] (3) enjoining the respondent from entering
23 the family dwelling or the dwelling of the applicant; or (4) if the
24 respondent has the legal duty to do so and the ability to pay, and if
25 necessary for the safety or to maintain the basic needs of the applicant
26 or the respondent's dependent children, ordering the respondent to (A)
27 provide financial assistance to the applicant for a period of up to one
28 hundred twenty days, and (B) maintain utility services provided to the
29 family dwelling or dwelling of the applicant if the applicant and
30 respondent resided together on the date of the application. Such order
31 may also include provisions necessary to protect any animal owned or
32 kept by the applicant including, but not limited to, an order enjoining
33 the respondent from injuring or threatening to injure such animal. If an
34 applicant alleges an immediate and present physical danger to the
35 applicant, the court may issue an ex parte order granting such relief as
36 it deems appropriate, except that such ex parte order shall not include
37 the relief set forth in subdivision (4) of this subsection. If a
38 postponement of a hearing on the application is requested by either
39 party and granted, the order shall not be continued except upon
40 agreement of the parties or by order of the court for good cause shown.

41 Sec. 2. Subsection (a) of section 53a-32 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2013*):

44 (a) At any time during the period of probation or conditional
45 discharge, the court or any judge thereof may issue a warrant for the
46 arrest of a defendant for violation of any of the conditions of probation
47 or conditional discharge, or may issue a notice to appear to answer to a
48 charge of such violation, which notice shall be personally served upon

49 the defendant. Any such warrant shall authorize all officers named
50 therein to return the defendant to the custody of the court or to any
51 suitable detention facility designated by the court. Whenever a
52 probation officer has probable cause to believe that a person has
53 violated a condition of such person's probation, such probation officer
54 may notify any police officer that such person has, in such officer's
55 judgment, violated the conditions of such person's probation and such
56 notice shall be sufficient warrant for the police officer to arrest such
57 person and return such person to the custody of the court or to any
58 suitable detention facility designated by the court. Whenever a
59 probation officer so notifies a police officer, the probation officer shall
60 notify the victim of the offense for which such person is on probation,
61 and any victim advocate assigned to assist the victim, provided the
62 probation officer has been provided with the name and contact
63 information for such victim or victim advocate. Any probation officer
64 may arrest any defendant on probation without a warrant or may
65 deputize any other officer with power to arrest to do so by giving such
66 other officer a written statement setting forth that the defendant has, in
67 the judgment of the probation officer, violated the conditions of the
68 defendant's probation. Such written statement, delivered with the
69 defendant by the arresting officer to the official in charge of any
70 correctional center or other place of detention, shall be sufficient
71 warrant for the detention of the defendant. After making such an
72 arrest, such probation officer shall present to the detaining authorities
73 a similar statement of the circumstances of violation. Provisions
74 regarding release on bail of persons charged with a crime shall be
75 applicable to any defendant arrested under the provisions of this
76 section. Upon such arrest and detention, the probation officer shall
77 immediately so notify the court or any judge thereof.

78 Sec. 3. Subparagraph (K) of subdivision (7) of subsection (b) of
79 section 54-203 of the general statutes is repealed and the following is
80 substituted in lieu thereof (*Effective October 1, 2013*):

81 (K) Subject to the provisions of section 53a-32, as amended by this
82 act, the victim and any victim advocate assigned to assist the victim

83 may receive notification from a probation officer whenever the officer
84 has notified a police officer that the probation officer has probable
85 cause to believe that the offender has violated a condition of such
86 offender's probation.

87 Sec. 4. Subsection (j) of section 46b-38c of the general statutes is
88 repealed and the following is substituted in lieu thereof (*Effective*
89 *October 1, 2013*):

90 (j) The Judicial Department shall establish an ongoing training
91 program for judges, Court Support Services Division personnel,
92 guardians ad litem and clerks to inform them about the policies and
93 procedures of sections 46b-1, 46b-15, as amended by this act, 46b-38a to
94 46b-38f, inclusive, and 54-1g, including, but not limited to, the function
95 of the family violence intervention units and the use of restraining and
96 protective orders.

97 Sec. 5. Section 47a-11e of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2013*):

99 (a) Notwithstanding the provisions of this chapter and chapter 831,
100 for rental agreements entered into or renewed on or after January 1,
101 2011, any tenant who (1) is a victim of family violence, as defined in
102 section 46b-38a, and (2) reasonably believes it is necessary to vacate the
103 dwelling unit due to fear of imminent harm to the tenant or a
104 dependent of the tenant because of family violence, may terminate his
105 or her rental agreement with the landlord for the dwelling unit that the
106 tenant occupies without penalty or liability for the remaining term of
107 the rental agreement by giving written notice to the landlord at least
108 thirty days prior to the date the tenant intends to terminate the rental
109 agreement. Notwithstanding the provisions of this chapter and chapter
110 831, for rental agreements entered into or renewed on or after January
111 1, 2014, any tenant who (A) is a victim of sexual assault under any
112 provision of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b
113 or 53a-73a, or is the parent or guardian with physical custody of a
114 dependent who is the victim of sexual assault under section 53a-70c,
115 and (B) reasonably believes it is necessary to vacate the dwelling unit

116 due to fear of imminent harm to the tenant or a dependent of the
117 tenant because of such sexual assault, may terminate his or her rental
118 agreement with the landlord for the dwelling unit that the tenant
119 occupies without penalty or liability for the remaining term of the
120 rental agreement by giving written notice to the landlord at least thirty
121 days prior to the date the tenant intends to terminate the rental
122 agreement.

123 (b) Such notice shall include: (1) A statement made under oath or
124 affirmation that (A) the tenant or a dependent of the tenant is a victim
125 of family violence or sexual assault, as the case may be; (B) the tenant
126 intends to terminate the rental agreement and the date of such
127 intended termination; and (C) the tenant has vacated the premises and
128 removed all of his or her possessions and personal effects or, prior to
129 the date of such termination, will vacate the premises and remove all
130 of his or her possessions and personal effects and, if such possessions
131 and personal effects have not been removed by the date of such
132 termination, has abandoned such possessions and personal effects; and
133 (2) (A) a copy of a police or court record detailing an act of family
134 violence or sexual assault against the tenant or the tenant's dependent
135 that is dated not more than ninety days prior to the date of the tenant's
136 notice, or (B) a signed written statement from an employee of the
137 Office of Victim Services within the Judicial Department or the Office
138 of Victim Advocate detailing an act of family violence or sexual assault
139 against the tenant or the tenant's dependent that is dated not more
140 than thirty days prior to the date of the tenant's notice.

141 (c) The tenant's termination of his or her rental agreement with the
142 landlord pursuant to this section shall not relieve (1) the tenant from
143 liability to the landlord for any rent arrearage incurred prior to such
144 termination of the rental agreement or from liability to the landlord for
145 property damage caused by the tenant, or (2) any other tenant from
146 liability to the landlord under the rental agreement.

147 (d) If the tenant terminates his or her rental agreement with the
148 landlord pursuant to this section, any occupant without the right or

149 privilege to occupy such dwelling unit shall vacate the premises prior
150 to the date of such termination.

151 (e) If such tenant or occupant fails to vacate the premises as of the
152 date of such termination, the landlord may bring an action pursuant to
153 chapter 832.

154 (f) The landlord may bring an action in the housing session of the
155 Superior Court for injunctive relief to prevent the termination of the
156 rental agreement if the requirements set forth in this section for such
157 termination have not been satisfied.

158 Sec. 6. Subsection (a) of section 8-357 of the general statutes is
159 repealed and the following is substituted in lieu thereof (*Effective*
160 *October 1, 2013*):

161 (a) The state, acting by and in the discretion of the Commissioner of
162 Economic and Community Development, may enter into a contract
163 with a community housing development corporation, a municipal
164 developer or a nonprofit corporation for state financial assistance in
165 the form of a state grant-in-aid, loan, deferred loan, loan guarantee or
166 interest subsidy for the cost of acquisition, construction, rehabilitation
167 or renovation of multifamily dwellings for persons and families whose
168 adjusted monthly income does not exceed fifty per cent of the median
169 household income, as determined by the commissioner, for the area in
170 which they reside and who have received emergency shelter services
171 or shelter services for [battered women] victims of domestic violence
172 and are in need of transitional housing and support services for a
173 period of six to twenty-four months. Such housing and services shall
174 be designed to enable such persons to maintain their current jobs,
175 improve their employment skills, retrain for different occupations or
176 continue their education. Such services may include, without
177 limitation, information and referral; counseling and support groups;
178 aid in finding vocational training, education or employment; health,
179 nutrition, fitness and recreation programs; child care; transportation;
180 legal aid; and financial counseling. In the case of a deferred loan, the
181 contract shall require that payments on interest are due immediately

182 but that payments on principal may be made at a later time.

183 Sec. 7. Subparagraph (B) of subdivision (7) of section 12-81 of the
184 general statutes is repealed and the following is substituted in lieu
185 thereof (*Effective October 1, 2013*):

186 (B) On and after July 1, 1967, housing subsidized, in whole or in
187 part, by federal, state or local government and housing for persons or
188 families of low and moderate income shall not constitute a charitable
189 purpose under this section. As used in this subdivision, "housing" shall
190 not include real property used for temporary housing belonging to, or
191 held in trust for, any corporation organized exclusively for charitable
192 purposes and exempt from taxation for federal income tax purposes,
193 the primary use of which property is one or more of the following: (i)
194 An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility;
195 (iii) housing for homeless individuals, mentally or physically
196 handicapped individuals or persons with intellectual disability, or for
197 [battered or abused women and children] victims of domestic violence;
198 (iv) housing for ex-offenders or for individuals participating in a
199 program sponsored by the state Department of Correction or Judicial
200 Branch; and (v) short-term housing operated by a charitable
201 organization where the average length of stay is less than six months.
202 The operation of such housing, including the receipt of any rental
203 payments, by such charitable organization shall be deemed to be an
204 exclusively charitable purpose;

205 Sec. 8. Subsection (b) of section 17a-101 of the general statutes is
206 repealed and the following is substituted in lieu thereof (*Effective*
207 *October 1, 2013*):

208 (b) The following persons shall be mandated reporters: Any
209 physician or surgeon licensed under the provisions of chapter 370, any
210 resident physician or intern in any hospital in this state, whether or not
211 so licensed, any registered nurse, licensed practical nurse, medical
212 examiner, dentist, dental hygienist or psychologist, a school employee,
213 as defined in section 53a-65, social worker, police officer, juvenile or
214 adult probation officer, juvenile or adult parole officer, member of the

215 clergy, pharmacist, physical therapist, optometrist, chiropractor,
216 podiatrist, mental health professional or physician assistant, any
217 person who is a licensed or certified emergency medical services
218 provider, any person who is a licensed or certified alcohol and drug
219 counselor, any person who is a licensed marital and family therapist,
220 any person who is a sexual assault counselor or a [battered women's]
221 domestic violence counselor, as defined in section 52-146k, as amended
222 by this act, any person who is a licensed professional counselor, any
223 person who is a licensed foster parent, any person paid to care for a
224 child in any public or private facility, child day care center, group day
225 care home or family day care home licensed by the state, any employee
226 of the Department of Children and Families, any employee of the
227 Department of Public Health who is responsible for the licensing of
228 child day care centers, group day care homes, family day care homes
229 or youth camps, the Child Advocate and any employee of the Office of
230 the Child Advocate and any family relations counselor, family
231 relations counselor trainee or family services supervisor employed by
232 the Judicial Department.

233 Sec. 9. Subdivision (1) of subsection (a) of section 17b-112a of the
234 general statutes is repealed and the following is substituted in lieu
235 thereof (*Effective October 1, 2013*):

236 (1) "Victim of domestic violence" means a person who has been
237 [battered] abused or subjected to extreme cruelty by: (A) Physical acts
238 that resulted in or were threatened to result in physical injury; (B)
239 sexual abuse; (C) sexual activity involving a child in the home; (D)
240 being forced to participate in nonconsensual sexual acts or activities;
241 (E) threats of or attempts at physical or sexual abuse; (F) mental abuse;
242 or (G) neglect or deprivation of medical care; and

243 Sec. 10. Subsection (a) of section 17b-407 of the general statutes is
244 repealed and the following is substituted in lieu thereof (*Effective*
245 *October 1, 2013*):

246 (a) Any physician or surgeon licensed under the provisions of
247 chapter 370, any resident physician or intern in any hospital in this

248 state, whether or not so licensed, and any registered nurse, licensed
249 practical nurse, medical examiner, dentist, optometrist, chiropractor,
250 podiatrist, social worker, clergyman, police officer, pharmacist,
251 physical therapist, long-term care facility administrator, nurse's aide or
252 orderly in a long-term care facility, any person paid for caring for a
253 patient in a long-term care facility, any staff person employed by a
254 long-term care facility and any person who is a sexual assault
255 counselor or a [battered women's] domestic violence counselor as
256 defined in section 52-146k, as amended by this act, who has reasonable
257 cause to suspect or believe that a resident in a long-term care facility
258 has been abused, neglected, exploited or abandoned, or is in a
259 condition that is the result of such abuse, neglect, exploitation or
260 abandonment, shall, not later than seventy-two hours after such
261 suspicion or belief arose, report such information or cause a report to
262 be made in any reasonable manner to the Commissioner of Social
263 Services pursuant to chapter 319dd. Any person required to report
264 under the provision of this section who fails to make such report
265 within the prescribed time period shall be fined not more than five
266 hundred dollars, except that, if such person intentionally fails to make
267 such report within the prescribed time period, such person shall be
268 guilty of a class C misdemeanor for the first offense and a class A
269 misdemeanor for any subsequent offense.

270 Sec. 11. Subsection (a) of section 46a-11b of the general statutes is
271 repealed and the following is substituted in lieu thereof (*Effective*
272 *October 1, 2013*):

273 (a) Any physician or surgeon licensed under the provisions of
274 chapter 370, any resident physician or intern in any hospital in this
275 state, whether or not so licensed, any registered nurse, any person paid
276 for caring for persons in any facility and any licensed practical nurse,
277 medical examiner, dental hygienist, dentist, occupational therapist,
278 optometrist, chiropractor, psychologist, podiatrist, social worker,
279 school teacher, school principal, school guidance counselor, school
280 paraprofessional, mental health professional, physician assistant,
281 licensed or certified substance abuse counselor, licensed marital and

282 family therapist, speech and language pathologist, clergyman, police
283 officer, pharmacist, physical therapist, licensed professional counselor
284 or sexual assault counselor or [battered women's] domestic violence
285 counselor, as defined in section 52-146k, as amended by this act, who
286 has reasonable cause to suspect or believe that any person with
287 intellectual disability has been abused or neglected shall, as soon as
288 practicable but not later than seventy-two hours after such person has
289 reasonable cause to suspect or believe that a person with intellectual
290 disability has been abused or neglected, report such information or
291 cause a report to be made in any reasonable manner to the director or
292 persons the director designates to receive such reports. Such initial
293 report shall be followed up by a written report not later than five
294 calendar days after the initial report was made. Any person required to
295 report under this subsection who fails to make such report shall be
296 fined not more than five hundred dollars.

297 Sec. 12. Subsection (f) of section 46b-38b of the general statutes is
298 repealed and the following is substituted in lieu thereof (*Effective*
299 *October 1, 2013*):

300 (f) The Police Officer Standards and Training Council, in
301 conjunction with the Division of Criminal Justice, shall establish an
302 education and training program for law enforcement officers,
303 supervisors and state's attorneys on the handling of family violence
304 incidents. Training under such program shall: (1) Stress the
305 enforcement of criminal law in family violence cases and the use of
306 community resources, and include training for peace officers at both
307 recruit and in-service levels; and (2) include, but not be limited to: (A)
308 The nature, extent and causes of family violence; (B) legal rights of and
309 remedies available to victims of family violence and persons accused
310 of family violence; (C) services and facilities available to victims and
311 [batterers] persons who commit acts of family violence; (D) legal duties
312 imposed on police officers to make arrests and to offer protection and
313 assistance, including applicable probable cause standards; and (E)
314 techniques for handling incidents of family violence that minimize the
315 likelihood of injury to the officer and promote the safety of the victim.

316 On and after July 1, 2010, training under such program shall also
317 include, within available appropriations, information on (i) the impact
318 of arrests of multiple parties in a family violence case on the
319 immigration status of the parties; (ii) crime scene investigation and
320 evaluation practices in family violence cases designed by the council to
321 reduce the number of multiple arrests in family violence cases; and (iii)
322 practical considerations in the application of [state] the general statutes
323 related to family violence. On and after July 1, 2010, such training shall
324 also address, within available appropriations, eligibility for federal T
325 Visas for victims of human trafficking and federal U Visas for
326 unauthorized immigrants who are victims of family violence and other
327 crimes.

328 Sec. 13. Subsection (d) of section 46b-38c of the general statutes is
329 repealed and the following is substituted in lieu thereof (*Effective*
330 *October 1, 2013*):

331 (d) In all cases of family violence, a written or oral report that
332 indicates whether the parties in the family violence case are parties to a
333 case pending on the family relations docket of the Superior Court and
334 includes recommendation of the local family violence intervention unit
335 shall be available to a judge at the first court date appearance to be
336 presented at any time during the court session on that date. A judge of
337 the Superior Court may consider and impose the following conditions
338 to protect the parties, including, but not limited to: (1) Issuance of a
339 protective order pursuant to subsection (e) of this section; (2)
340 prohibition against subjecting the victim to further violence; (3) referral
341 to a family violence education program for [batterers] persons who
342 commit acts of family violence; and (4) immediate referral for more
343 extensive case assessment. Such protective order shall be an order of
344 the court, and the clerk of the court shall cause (A) a copy of such
345 order to be sent to the victim, and (B) a copy of such order, or the
346 information contained in such order, to be sent by facsimile or other
347 means within forty-eight hours of its issuance to the law enforcement
348 agency for the town in which the victim resides and, if the defendant
349 resides in a town different from the town in which the victim resides,

350 to the law enforcement agency for the town in which the defendant
351 resides. If the victim is employed in a town different from the town in
352 which the victim resides, the clerk of the court shall, upon the request
353 of the victim, send, by facsimile or other means, a copy of such order,
354 or the information contained in such order, to the law enforcement
355 agency for the town in which the victim is employed not later than
356 forty-eight hours after the issuance of such order. If the victim is
357 enrolled in a public or private elementary or secondary school,
358 including a technical high school, or an institution of higher education,
359 as defined in section 10a-55, the clerk of the court shall, upon the
360 request of the victim, send, by facsimile or other means, a copy of such
361 order, or the information contained in such order, to such school or
362 institution of higher education, the president of any institution of
363 higher education at which the victim is enrolled and the special police
364 force established pursuant to section 10a-142, if any, at the institution
365 of higher education at which the victim is enrolled.

366 Sec. 14. Section 52-146k of the general statutes is repealed and the
367 following is substituted in lieu thereof (*Effective October 1, 2013*):

368 (a) As used in this section:

369 (1) ["Battered women's center"] "Domestic violence agency" means
370 any office, shelter, host home or [center] agency offering assistance to
371 [battered women] victims of domestic violence through crisis
372 intervention, emergency shelter referral and medical and legal
373 advocacy, and which meets the Department of Social Services criteria
374 of service provision for such [centers] agencies.

375 (2) ["Battered women's counselor"] "Domestic violence counselor"
376 means any person engaged in a [battered women's center] domestic
377 violence agency (A) who has undergone a minimum of twenty hours
378 of training which shall include, but not be limited to, the dynamics of
379 [battering] domestic violence, crisis intervention, communication
380 skills, working with diverse populations, an overview of the state
381 criminal justice system and information about state and community
382 resources for [battered women] victims of domestic violence, (B) who

383 is certified as a counselor by the [battered women's center which]
384 domestic violence agency that provided such training, (C) who is
385 under the control of a direct service supervisor of a [battered women's
386 center] domestic violence agency, and (D) whose primary purpose is
387 the rendering of advice, counsel and assistance to, and the advocacy of
388 the cause of, [battered women] victims of domestic violence.

389 (3) "Confidential communication" means information transmitted
390 between a victim of [a battering] domestic violence or a victim of a
391 sexual assault and a [battered women's] domestic violence counselor
392 or a sexual assault counselor in the course of that relationship and in
393 confidence by a means which, so far as the victim is aware, does not
394 disclose the information to a third person other than any person who is
395 present to further the interests of the victim in the consultation or any
396 person to whom disclosure is reasonably necessary for the
397 transmission of the information or for the accomplishment of the
398 purposes for which such counselor is consulted, and includes all
399 information received by, and any advice, report or working paper
400 given or made by, such counselor in the course of the relationship with
401 the victim.

402 (4) "Rape crisis center" means any office, institution or center
403 offering assistance to victims of sexual assault and their families
404 through crisis intervention, medical and legal advocacy and follow-up
405 counseling.

406 (5) "Sexual assault counselor" means (A) any person engaged in a
407 rape crisis center who (i) has undergone a minimum of twenty hours
408 of training which shall include, but not be limited to, the dynamics of
409 sexual assault and incest, crisis intervention, communication skills,
410 working with diverse populations, an overview of the state criminal
411 justice system, information about hospital and medical systems and
412 information about state and community resources for sexual assault
413 victims, (ii) is certified as a counselor by the sexual assault center
414 which has provided such training, (iii) is under the control of a direct
415 services supervisor of a rape crisis center, and (iv) whose primary

416 purpose is the rendering of advice, counseling and assistance to, and
417 the advocacy of the cause of, victims of sexual assault, or (B) any
418 member of the armed forces of the state or the United States who is
419 trained and certified as a victim advocate or a sexual assault
420 prevention coordinator in accordance with the military's sexual assault
421 prevention and response program.

422 (6) "Victim" means any person who consults a [battered women's]
423 domestic violence counselor or a sexual assault counselor for the
424 purpose of securing advice, counseling or assistance concerning a
425 mental, physical or emotional condition caused by [a battering]
426 domestic violence or a sexual assault.

427 (b) On or after October 1, 1983, a [battered women's] domestic
428 violence counselor or a sexual assault counselor shall not disclose any
429 confidential communications made to such counselor at any time by a
430 victim in any civil or criminal case or proceeding or in any legislative
431 or administrative proceeding unless the victim making the confidential
432 communications waives the privilege, provided under no
433 circumstances shall the location of the [battered women's center]
434 domestic violence agency or rape crisis center or the identity of the
435 [battered women's] domestic violence counselor or sexual assault
436 counselor be disclosed in any civil or criminal proceeding. Any request
437 made on or after October 1, 1983, by the defendant or the state for such
438 confidential communications shall be subject to the provisions of this
439 subsection.

440 (c) When a victim is deceased or has been adjudged incompetent by
441 a court of competent jurisdiction, the guardian of the victim or the
442 executor or administrator of the estate of the victim may waive the
443 privilege established by this section.

444 (d) A minor may knowingly waive the privilege established by this
445 section. In any instance where the minor is, in the opinion of the court,
446 incapable of knowingly waiving the privilege, the parent or guardian
447 of the minor may waive the privilege on behalf of the minor, provided
448 [such] the parent or guardian is not the defendant and does not have a

449 relationship with the defendant such that [he] the parent or guardian
450 has an interest in the outcome of the proceeding.

451 (e) The privilege established by this section shall not apply: (1) In
452 matters of proof concerning chain of custody of evidence; (2) in
453 matters of proof concerning the physical appearance of the victim at
454 the time of the injury; or (3) where the [battered women's] domestic
455 violence counselor or sexual assault counselor has knowledge that the
456 victim has given perjured testimony and the defendant or the state has
457 made an offer of proof that perjury may have been committed by the
458 victim.

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

462 Sec. 15. Subsection (d) of section 54-209 of the general statutes is
463 repealed and the following is substituted in lieu thereof (*Effective*
464 *October 1, 2013*):

465 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,
466 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,
467 the Office of Victim Services or, on review, a victim compensation
468 commissioner may order compensation be paid if (1) the personal
469 injury has been disclosed to: (A) A physician or surgeon licensed
470 under chapter 370; (B) a resident physician or intern in any hospital in
471 this state, whether or not licensed; (C) a physician assistant licensed
472 under chapter 370; (D) an advanced practice registered nurse,
473 registered nurse or practical nurse licensed under chapter 378; (E) a
474 psychologist licensed under chapter 383; (F) a police officer; (G) a
475 mental health professional; (H) an emergency medical services
476 provider licensed or certified under chapter 368d; (I) an alcohol and
477 drug counselor licensed or certified under chapter 376b; (J) a marital
478 and family therapist licensed under chapter 383a; (K) a domestic
479 violence counselor or a sexual assault counselor, [or battered women's
480 counselor] as defined in section 52-146k, as amended by this act; (L) a
481 professional counselor licensed under chapter 383c; (M) a clinical

482 social worker licensed under chapter 383b; or (N) an employee of the
483 Department of Children and Families; and (2) the office or
484 commissioner, as the case may be, reasonably concludes that a
485 violation of any of said sections has occurred.

486 Sec. 16. Section 18-87j of the general statutes is repealed and the
487 following is substituted in lieu thereof (*Effective October 1, 2013*):

488 There is established a Criminal Justice Policy Advisory Commission
489 which shall be within the Office of Policy and Management for
490 administrative purposes only. The commission shall consist of the
491 undersecretary of the Criminal Justice Policy and Planning Division
492 within the Office of Policy and Management, the Chief Court
493 Administrator, the Commissioner of Correction, the Commissioner of
494 Public Safety, the Chief State's Attorney, the Chief Public Defender, the
495 Commissioner of Mental Health and Addiction Services and the
496 chairperson of the Board of Pardons and Paroles, or their designees,
497 the executive director of the Court Support Services Division or other
498 designee of the Chief Court Administrator and the following members,
499 each of whom shall be appointed by the Governor: Three government
500 officials, a police chief, [two] three persons representing offender and
501 victim services within the private community and two public
502 members. In addition, the Labor Commissioner and the Commissioner
503 of Social Services, or their designees, shall be members of the
504 commission with authority to deliberate and vote on matters
505 concerning employment and entitlement programs available to adult
506 and juvenile offenders who are reentering the community, and the
507 Commissioner of Children and Families and the Commissioner of
508 Education, or their designees, shall be members of the commission
509 with authority to participate and vote on matters concerning juvenile
510 justice. The undersecretary of the Criminal Justice Policy and Planning
511 Division shall serve as chairperson of the commission. The commission
512 shall meet at such times as it deems necessary.

513 Sec. 17. (NEW) (*Effective July 1, 2013*) The Chief Court Administrator
514 shall provide in each court where family matters or family violence

515 matters are heard or where a domestic violence docket, as defined in
516 section 51-181e of the general statutes, is located a secure office for
517 victims of family violence crimes and advocates for victims of family
518 violence crimes which is separate from any public or private area of
519 the court intended to accommodate the respondent or defendant or the
520 respondent's or defendant's family, friends, attorneys or witnesses and
521 separate from the office of the state's attorney.

522 Sec. 18. Section 29-36k of the general statutes is repealed and the
523 following is substituted in lieu thereof (*Effective October 1, 2013*):

524 (a) Not later than two business days after the occurrence of any
525 event that makes a person ineligible to possess a pistol or revolver or
526 other firearm, such person shall (1) transfer in accordance with section
527 29-33 all pistols and revolvers which such person then possesses to any
528 person eligible to possess a pistol or revolver and transfer in
529 accordance with any applicable state and federal laws all other
530 firearms to any person eligible to possess such other firearms by
531 obtaining an authorization number for the sale or transfer of the
532 firearm from the Commissioner of Emergency Services and Public
533 Protection, and submit a sale or transfer of firearms form to said
534 commissioner within two business days, except that a person
535 [described in subdivision (3) of subsection (a) of section 53a-217]
536 subject to a restraining or protective order or a foreign order of
537 protection may only transfer a pistol, revolver or other firearm under
538 this subdivision to a federally licensed firearms dealer pursuant to the
539 sale of the pistol, revolver or other firearm to the federally licensed
540 firearms dealer, or (2) deliver or surrender such pistols and revolvers
541 and other firearms to the Commissioner of Emergency Services and
542 Public Protection. The commissioner shall exercise due care in the
543 receipt and holding of such pistols and revolvers and other firearms.
544 For the purposes of this section, a ["person described in subdivision (3)
545 of subsection (a) of section 53a-217" means a person described in said
546 subdivision, regardless of whether such person was convicted under
547 said subdivision] "person subject to a restraining or protective order or
548 a foreign order of protection" means a person who knows that such

549 person is subject to (A) a restraining or protective order of a court of
550 this state that has been issued against such person, after notice and an
551 opportunity to be heard has been provided to such person, in a case
552 involving the use, attempted use or threatened use of physical force
553 against another person, or (B) a foreign order of protection, as defined
554 in section 46b-15a, that has been issued against such person in a case
555 involving the use, attempted use or threatened use of physical force
556 against another person.

557 (b) Such person, or such person's legal representative, may, at any
558 time up to one year after such delivery or surrender, transfer such
559 pistols and revolvers in accordance with the provisions of section 29-33
560 to any person eligible to possess a pistol or revolver and transfer such
561 other firearms, in accordance with any applicable state and federal
562 laws, to any person eligible to possess such other firearms, provided
563 any [such person described in subdivision (3) of subsection (a) of
564 section 53a-217] person subject to a restraining or protective order or a
565 foreign order of protection, or such person's legal representative, may
566 only transfer such pistol, revolver or other firearm to a federally
567 licensed firearms dealer pursuant to the sale of the pistol, revolver or
568 other firearm to the federally licensed firearms dealer. Upon
569 notification in writing by the transferee and such person, the
570 Commissioner of Emergency Services and Public Protection shall,
571 within ten days, deliver such pistols and revolvers or other firearms to
572 the transferee. If, at the end of such year, such pistols and revolvers or
573 other firearms have not been so transferred, the commissioner shall
574 cause them to be destroyed.

575 (c) Any person who fails to transfer, deliver or surrender any such
576 pistols and revolvers and other firearms as provided in this section
577 shall be subject to the penalty provided for in section 53a-217 or 53a-
578 217c.

579 Sec. 19. Section 29-36n of the general statutes is repealed and the
580 following is substituted in lieu thereof (*Effective October 1, 2013*):

581 (a) The Commissioner of Emergency Services and Public Protection,

582 in conjunction with the Chief State's Attorney and the Connecticut
583 Police Chiefs Association, shall develop a protocol to ensure that
584 persons who become ineligible to possess a pistol or revolver or other
585 firearm have, in accordance with section 29-36k, as amended by this
586 act, transferred such pistol or revolver or other firearm to a person
587 eligible to possess such pistol or revolver or other firearm or have
588 delivered or surrendered such pistol or revolver or other firearm to
589 said commissioner. Such protocol shall include provisions to ensure
590 that a person who becomes ineligible to possess a pistol or revolver or
591 other firearm because such person is subject to a restraining or
592 protective order or a foreign order of protection, as defined in section
593 29-36k, as amended by this act, transfers such pistol or revolver or
594 other firearm, or delivers or surrenders such pistol or revolver or other
595 firearm, pursuant to arrangements made with an organized local
596 police department or the Division of State Police in advance of such
597 transfer, delivery or surrender.

598 (b) The Commissioner of Emergency Services and Public Protection,
599 in conjunction with the Chief State's Attorney and the Connecticut
600 Police Chiefs Association, shall update the protocol developed
601 pursuant to subsection (a) of this section to reflect the provisions of
602 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections
603 (b) and (e) of section 46b-15, as amended by this act, subsections (c)
604 and (d) of section 46b-38c, as amended by this act, and sections 53-
605 202a, 53-202l, 53-202m and 53a-217 and shall include in such protocol
606 specific instructions for the transfer, delivery or surrender of pistols
607 and revolvers and other firearms when the assistance of more than one
608 law enforcement agency is necessary to effect the requirements of
609 section 29-36k, as amended by this act.

610 Sec. 20. (*Effective from passage*) (a) Not later than May 31, 2014, the
611 Chief Court Administrator shall assess the effectiveness of programs
612 maintained by the Court Support Services Division within the Judicial
613 Branch with respect to family violence, including, but not limited to,
614 the pretrial family violence education program established in section
615 46b-38c of the general statutes, as amended by this act, and the

616 EVOLVE and EXPLORE programs. Such assessment shall consider
617 findings from the Pew-MacArthur Results First Initiative's cost-benefit
618 analysis model with respect to such programs. After conducting such
619 assessment, the Chief Court Administrator shall determine whether
620 any program changes may be implemented to improve the cost-
621 effectiveness of such programs.

622 (b) Not later than June 30, 2014, the Chief Court Administrator shall
623 submit a report, in accordance with section 11-4a of the general
624 statutes, to the joint standing committees of the General Assembly
625 having cognizance of matters relating to appropriations and the
626 judiciary that (1) describes such assessment, (2) identifies any program
627 changes implemented by the division as a result of such assessment,
628 and (3) makes any recommendations that the Chief Court
629 Administrator deems appropriate concerning statutory or program
630 changes that may improve the cost-effectiveness of such programs.

631 Sec. 21. (*Effective from passage*) The Chief Court Administrator shall
632 conduct an assessment of any training programs for judges and
633 Judicial Branch staff related to family violence, including, but not
634 limited to, the ongoing training program for judges, Court Support
635 Services Division personnel and clerks established in subsection (j) of
636 section 46b-38c of the general statutes, as amended by this act. At a
637 minimum, such assessment shall compare such training programs to
638 those of other northeastern states. Not later than December 31, 2013,
639 the Chief Court Administrator shall submit a report on the assessment
640 to the joint standing committee of the General Assembly having
641 cognizance of matters relating to the judiciary, in accordance with
642 section 11-4a of the general statutes.

643 Sec. 22. (*Effective from passage*) (a) Not later than May 31, 2014, the
644 Commissioner of Correction shall assess the effectiveness of each
645 program maintained by the Department of Correction specifically for
646 persons convicted of a family violence crime, as defined in section 46b-
647 38a of the general statutes, who are committed to the custody of the
648 Commissioner of Correction. Such assessment shall consider findings

649 from the Pew-MacArthur Results First Initiative's cost-benefit analysis
650 model with respect to such programs. After conducting such
651 assessment, the Commissioner of Correction shall determine whether
652 any program changes may be implemented to improve the cost-
653 effectiveness of such programs.

654 (b) Not later than June 30, 2014, Commissioner of Correction shall
655 submit a report, in accordance with section 11-4a of the general
656 statutes, to the joint standing committees of the General Assembly
657 having cognizance of matters relating to appropriations and the
658 judiciary that (1) describes such assessment, (2) identifies any program
659 changes implemented by the Department of Correction as a result of
660 such assessment, and (3) makes any recommendations that the
661 Commissioner of Correction deems appropriate concerning statutory
662 or program changes that may improve the cost-effectiveness of such
663 programs.

664 Sec. 23. (*Effective from passage*) (a) There is established a task force to
665 study the feasibility of amending title 46b of the general statutes to
666 permit a person other than a family or household member, as defined
667 in section 46b-38a of the general statutes, to apply for a restraining
668 order pursuant to section 46b-15 of the general statutes, as amended by
669 this act. Such study shall include an evaluation of the feasibility of
670 permitting victims of certain crimes, including sexual assault and
671 stalking, who are not family or household members of the offender to
672 obtain a restraining order pursuant to section 46b-15 of the general
673 statutes.

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

675 (1) The cochairpersons and ranking members of the joint standing
676 committee of the General Assembly having cognizance of matters
677 relating to the judiciary, or their designees chosen from among the
678 members of the committee;

679 (2) The Chief Court Administrator;

680 (3) The Chief State's Attorney, or the Chief State's Attorney's
681 designee;

682 (4) Three members, one of whom shall represent the civil division of
683 the Judicial Branch, one of whom shall represent the criminal division
684 of the Judicial Branch and one of whom shall represent the family
685 division of the Judicial Branch, each appointed by the Chief Justice of
686 the Supreme Court; and

687 (5) Two representatives of Connecticut Sexual Assault Crisis
688 Services, Inc., appointed by the executive director of Connecticut
689 Sexual Assault Crisis Services, Inc.

690 (c) All appointments to the task force shall be made not later than
691 thirty days after the effective date of this section. Any vacancy shall be
692 filled by the appointing authority.

693 (d) The Chief Court Administrator shall serve as chairperson of the
694 task force. The Chief Court Administrator shall schedule the first
695 meeting of the task force, which shall be held not later than sixty days
696 after the effective date of this section.

697 (e) The administrative staff of the joint standing committee of the
698 General Assembly having cognizance of matters relating to the
699 judiciary shall serve as administrative staff of the task force.

700 (f) Not later than February 5, 2014, the task force shall submit a
701 report on its findings and recommendations to the joint standing
702 committee of the General Assembly having cognizance of matters
703 relating to the judiciary, in accordance with the provisions of section
704 11-4a of the general statutes. The task force shall terminate on the date
705 that it submits such report or February 5, 2014, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	46b-15(b)
Sec. 2	October 1, 2013	53a-32(a)

Sec. 3	<i>October 1, 2013</i>	54-203(b)(7)(K)
Sec. 4	<i>October 1, 2013</i>	46b-38c(j)
Sec. 5	<i>October 1, 2013</i>	47a-11e
Sec. 6	<i>October 1, 2013</i>	8-357(a)
Sec. 7	<i>October 1, 2013</i>	12-81(7)(B)
Sec. 8	<i>October 1, 2013</i>	17a-101(b)
Sec. 9	<i>October 1, 2013</i>	17b-112a(a)(1)
Sec. 10	<i>October 1, 2013</i>	17b-407(a)
Sec. 11	<i>October 1, 2013</i>	46a-11b(a)
Sec. 12	<i>October 1, 2013</i>	46b-38b(f)
Sec. 13	<i>October 1, 2013</i>	46b-38c(d)
Sec. 14	<i>October 1, 2013</i>	52-146k
Sec. 15	<i>October 1, 2013</i>	54-209(d)
Sec. 16	<i>October 1, 2013</i>	18-87j
Sec. 17	<i>July 1, 2013</i>	New section
Sec. 18	<i>October 1, 2013</i>	29-36k
Sec. 19	<i>October 1, 2013</i>	29-36n
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

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:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Correction, Dept.	GF - Potential Cost	25,000	None
Judicial Dept.; Comptroller-Fringe Benefits ¹	GF - Potential Cost	138,834	210,570
Judicial Dept.	GF - Potential Cost	500,000	650,000

Municipal Impact: None

Explanation

The bill allows the court to include financial assistance in specific restraining orders. This would require the court to collect and analyze various financial statements and affidavits as well as include additional conferences. There are approximately 2,500 restraining orders that might require these resources. As such, the bill results in a potential cost of approximately \$450,000 in FY 14 and \$650,000 in FY 15 for 12 additional staff (5 family services counselors and 7 clerks) to the extent that the court chooses to enforce this provision.

The bill requires the Judicial Department to conduct an assessment of specified programs and report by June 30, 2014. This is anticipated to result in a one-time cost of approximately \$50,000. sHB 6350, the FY 14 and FY 15 budget bill as favorably reported by the Appropriations Committee, included an appropriation of \$50,000 for this purpose.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

The bill requires the Department of Correction to use the Results First cost-benefit model to evaluate the effectiveness of programs for persons convicted of family violence and is anticipated to result in a one-time cost of \$25,000. sHB 6350, the FY 14 and FY 15 budget bill as favorably reported by the Appropriations Committee, included an appropriation of \$25,000 for this study but the funds were appropriated to the Office of Policy and Management and not the Department of Correction.

There is no fiscal impact to the Judicial Department to provide a separate and secure space for victims of family violence, their families, and the victim advocates. It is anticipated that unused office space will have to be set aside in each courthouse or current space will have to be reconfigured to meet this requirement.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6702*****AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.*****SUMMARY:**

This bill makes several modifications to the domestic violence and sexual assault laws. It:

1. specifies that a restraining order may include provisions to require the person being restrained to provide financial assistance and maintain utility services at the applicant's dwelling under certain conditions;
2. revises the protocol for surrendering a firearm by a person who is subject to a restraining or protective order or a foreign order of protection;
3. requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information;
4. requires the chief court administrator to maintain a separate, secure area in certain courthouses for family violence victims and their advocates;
5. permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
6. requires assessments of the effectiveness of on-going family violence training or intervention programs provided by the Department of Correction (DOC) and the Judicial Branch's Court Support Services Division (CSSD);

7. establishes a task force to study the feasibility of permitting a sexual assault victim who is not the perpetrator's family or household member to apply for a restraining order;
8. requires that the family violence training program for judges, Judicial Branch personnel, and court clerks be available to guardians ad litem; and
9. increases, from two to three, the number of Criminal Justice Policy Advisory Commission members who represent community-based offender and victim services providers.

The bill also updates statutory references to "battered women" and "batterers" to be consistent with current terminology (i.e., "domestic violence victims" and "persons who commit acts of family violence").

EFFECTIVE DATE: October 1, 2013, except the provision on victims' waiting areas in courthouses is effective July 1, 2013, and the sections on the feasibility study and family violence program assessments are effective upon passage.

§ 1 — FINANCIAL AND UTILITY OBLIGATIONS IN RESTRAINING ORDERS

The bill specifies that a restraining order may include provisions to require the person being restrained to (1) provide financial assistance to the protected person for a maximum of 120 days and (2) maintain utility services at the protected person's residence, if the parties were living together when the restraining order application was filed. Such provisions may be included in the order if (1) the person being restrained has the legal duty and the ability to pay and (2) it is necessary for the safety and basic needs of the victim and his or her dependent children.

By law, the court may issue an ex parte restraining order (i.e., without notice to the alleged offender) if the court finds the applicant is in immediate and present physical danger. The bill excludes the financial and utility service assistance described above, from being

included in such ex parte orders.

§§ 18 & 19 — PROTOCOL FOR TRANSFER OR SURRENDER OF FIREARMS

The law requires people who become ineligible to possess pistols, revolvers, or firearms due to the issuance of a restraining or protective order or a foreign order of protection (see BACKGROUND) for acts involving physical force to, within two business days, transfer them to a federally licensed firearms dealer or surrender them to the emergency services and public protection (DESPP) commissioner.

The law, unchanged by the bill, requires the commissioner, in conjunction with the chief state's attorney and the Connecticut Police Chiefs Association, to develop a protocol to ensure that persons who become ineligible to possess pistols or revolvers transfer, deliver, or surrender them as appropriate. The bill adds "other firearms" to the required protocol and update, conforming those provisions to the existing firearm transfer and surrender laws. The bill requires that such protocol include provisions to ensure that a person who becomes ineligible to possess one of these weapons due to the issuance of one or more of the types of protective orders listed above makes advance arrangements with the appropriate police department before he or she transfers, delivers, or surrenders his or her weapon or weapons to the local police department or the Division of State Police.

§§ 2 & 3 — NOTIFYING VICTIM ADVOCATES ABOUT SUSPECTED PROBATION VIOLATION

The bill requires a probation officer to notify the victim advocate assigned to assist a crime victim, rather than only the victim, when the offender has been released on probation and his or her probation officer has notified the police that there is probable cause to believe that the offender has violated the terms of his release. Under the bill, the probation officer need only do this if he or she has the advocate's name and contact information.

§ 17 — SEPARATE WAITING AREA FOR VICTIMS

The bill requires the chief court administrator for each court where

family, family violence, or domestic violence matters are heard, to provide a secure office for family violence crimes victims and their advocates. It must be separate from (1) any area that accommodates respondents, defendants, their families, friends, attorneys, or witnesses and (2) the prosecutor's office.

§ 5 — TERMINATION OF RENTAL AGREEMENT BECAUSE OF SEXUAL ASSAULT

The bill extends to sexual assault victims, rather than only to those victimized by family violence crimes, the right to terminate a rental agreement without penalty. The bill applies to the following crimes:

1. 1st, 2nd, or 4rd degree sexual assault, or 3rd degree sexual assault with a firearm;
2. sexual assault in a spousal or cohabiting relationship; and
3. when the victim is the tenant's child, aggravated sexual assault of a minor.

It covers agreements entered into or renewed on or after January 1, 2014. Tenants who have been sexually assaulted or are custodial parents or guardians of a child who has been the victim of such crimes must also reasonably believe that it is necessary to move because of fear of imminent harm.

Under the bill, tenants must comply with the notice requirements currently applicable to family violence victims. Among other things, victims must give landlords 30 days advance notice.

§§ 20-22 — ASSESSMENT OF FAMILY VIOLENCE RELATED PROGRAMS

The bill requires assessments of the effectiveness of on-going family violence training or intervention programs provided by DOC and CSSD.

§ 20 — CSSD Programs

Assessment. The bill requires the chief court administrator, by

May 31, 2014, to:

1. assess the effectiveness of the family violence programs provided by CSSD, including the pretrial family violence education, EVOLVE, and EXPLORE programs (see BACKGROUND);
2. consider the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to each program; and
3. determine whether any changes may be implemented to improve the programs' cost-effectiveness.

Reporting. Under the bill, the chief court administrator must submit a report to the Appropriations and Judiciary committees by June 30, 2014. It must:

1. describe the assessment,
2. identify any program changes CSSD implemented as a result, and
3. make any recommendations she deems appropriate concerning statutory or program changes to improve the program's cost-effectiveness.

§ 21 — Training Programs for Judges and Judicial Branch Staff

The bill also requires the chief court administrator to:

1. conduct an assessment of the family violence training programs for judges and Judicial Branch staff, including the training on family violence intervention units program;
2. compare its programs with those in other northeastern states; and
3. submit a report on her assessment to the Judiciary Committee by December 31, 2013.

§ 22 — DOC Programs

Assessment. The bill requires the correction commissioner, by May 31, 2014 to:

1. assess the effectiveness of each DOC program for people under his supervision who have been convicted of a family violence crime,
2. consider the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to each program; and
3. determine whether any changes may be implemented to improve a program's cost-effectiveness.

Reporting. Under the bill, the commissioner must submit his report to the Appropriations and the Judiciary committees, by June 30, 2014. The report must:

1. describe the assessment,
2. identify any program changes DOC implemented as a result of the assessment, and
3. make recommendations that he deems appropriate concerning statutory or program changes to improve the cost-effectiveness of the department's programs.

§ 23 — RESTRAINING ORDER FEASIBILITY STUDY TASK FORCE
Feasibility Study

The bill establishes a task force to study the feasibility of amending the state's restraining order laws to permit victims who are not an offender's family or household member but who have been subject to crimes such as sexual assault and stalking to apply for a restraining order against the offender.

Task Force Members and Appointments

Under the bill the task force consists of the following 11 members:

1. the judiciary committee's co-chairpersons and ranking members,

- or their designees, who must be chosen from among the committee members;
2. the chief court administrator, who must serve as the task force's chairperson;
 3. the chief state's attorney, or his designee;
 4. three members, appointed by the chief justice of the Supreme Court, one each representing the court's civil, criminal, and family divisions; and
 5. two representatives of Connecticut Sexual Assault Crisis Services, Inc., appointed by its executive director.

All appointments must be made within 30 days of the bill's effective date. Appointing authorities must fill vacancies.

The chief court administrator must schedule the first meeting, which must be held within 60 days of passage.

The Judiciary Committee's administrative staff must serve as the task force's administrative staff.

Reporting Requirement and Termination

The task force must report its findings and recommendations to the Judiciary Committee by February 5, 2014. It terminates when it submits its report or on February 5, 2014, whichever is later.

§ 4 — GUARDIAN AD LITEM TRAINING

The bill extends eligibility for participating in the Judicial Branch's family violence training program to guardians ad litem (see BACKGROUND). By law, the branch is required to provide on-going training on matters including family relations, family violence intervention units, the use of restraining and protective orders, and statistics on family violence cases to (1) judges, (2) CSSD personnel, and (3) court clerks.

§ 16 — CRIMINAL JUSTICE POLICY ADVISORY COMMISSION (CJPAC)

The bill adds an additional member to CJPAC. Under current law, the commission has 20 members, two of whom represent community-based offender and victim services providers. The bill adds a third. CJPAC analyzes the criminal justice system, determines the system's long-term needs, recommends policy priorities and advises and assists the governor and General Assembly in developing plans, policies, programs, and legislation to improve the system's effectiveness.

BACKGROUND***Person Subject to a Restraining Order, Protective Order or a Foreign Order of Protection***

A person who can be charged with violating a “restraining or protective order or a foreign order of protection” is one who knows about the order and had the opportunity to contest its validity at a court hearing. Judges can issue them in cases involving the use, attempted use, or threatened use of physical force against another person.

Restraining or Protective Orders

Restraining and protective orders are court-issued orders typically issued to protect victims of family violence crimes from threatened or further harm. These orders may, among other things, prohibit the respondents from restraining, threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim, or entering the victim's home. Restraining orders are generally effective for six months. Protective orders are a condition of bail or other release from incarceration. Criminal violation of a restraining order or protective order is a class D felony (PA 05-147).

Foreign Order of Protection

“Foreign order of protection” means any protection order or similar restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.

Family Violence Crime

“Family violence crimes” are felonies and misdemeanors other than delinquent acts, which, in addition to their other elements, are directed at a family or household member.

Household Member

By law “family or household members” are any of the following people, regardless of their ages:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people other than those related by blood or marriage presently living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people in, or who have recently been in, a dating relationship (CGS § 46b-38a).

EVOLVE

EVOLVE is a behavior modification group for male offenders convicted of domestic violence offenses against female intimate partners. Clients are either referred by the court or required to attend as a condition of probation. The classes meet twice a week for 26 weeks and are available in Bridgeport, New Haven, New London, and Waterbury.

EXPLORE

EXPLORE is also a 26-week group-based program for men convicted of family violence offenses against female intimate partners. Like the EVOLVE program, clients are referred by the court or required to attend as a condition of probation. Classes are currently offered in Bantam/Litchfield, Danbury, Derby, Hartford, Manchester,

Middletown, New Haven, New London, Norwalk, Plainville, Stamford, and Willimantic.

Guardian Ad Litem (GAL)

A guardian ad litem (GAL) is a person the court can appoint during any proceeding in which (1) a minor child, (2) an undetermined or unborn or class of people, (3) a person whose identity or address is unknown, or (4) an incompetent person, is either a party or may have an interest in the outcome of the proceeding. The GAL's primary role is to gather information at the court's request and to report on what he or she believes to be in the client's best interests.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/19/2013)