



General Assembly

January Session, 2013

Raised Bill No. 6702

LCO No. 5535



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective*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) imposing any restraint upon the person or liberty of the applicant;
20 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
21 attacking the applicant; [or] (3) entering the family dwelling or the
22 dwelling of the applicant; (4) if the respondent has the legal duty to do
23 so and the ability to pay, and if necessary for the safety or to maintain
24 the basic needs of the applicant or the respondent's dependent
25 children, (A) ceasing to provide financial assistance to the applicant for
26 a period of up to one hundred twenty days, and (B) refraining from
27 terminating utility services provided to the family dwelling or
28 dwelling of the applicant if the applicant and respondent resided
29 together on the date of the application; (5) denying access to, or
30 possession of, any of the applicant's personal property that is
31 identified in the order; or (6) taking, converting or damaging real or
32 personal property in which the applicant may have a legal or equitable
33 interest. Such order may also include provisions necessary to protect
34 any animal owned or kept by the applicant including, but not limited
35 to, an order enjoining the respondent from injuring or threatening to
36 injure such animal. If an applicant alleges an immediate and present
37 physical danger to the applicant, the court may issue an ex parte order
38 granting such relief as it deems appropriate. If a postponement of a
39 hearing on the application is requested by either party and granted,
40 the order shall not be continued except upon agreement of the parties
41 or by order of the court for good cause shown.

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43 repealed and the following is substituted in lieu thereof (*Effective*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

45 (a) At any time during the period of probation or conditional
46 discharge, the court or any judge thereof may issue a warrant for the
47 arrest of a defendant for violation of any of the conditions of probation
48 or conditional discharge, or may issue a notice to appear to answer to a

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

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

82 (K) Subject to the provisions of section 53a-32, as amended by this
83 act, the victim and any victim advocate assigned to assist the victim
84 may receive notification from a probation officer whenever the officer
85 has notified a police officer that the probation officer has probable
86 cause to believe that the offender has violated a condition of such
87 offender's probation.

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

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

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

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

113 provision of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72, 53a-72b or
114 53a-73a, or is the parent or guardian with physical custody of a
115 dependent who is the victim of sexual assault under section 53a-70c,
116 and (B) reasonably believes it is necessary to vacate the dwelling unit
117 due to fear of imminent harm to the tenant or a dependent of the
118 tenant because of such sexual assault, may terminate his or her rental
119 agreement with the landlord for the dwelling unit that the tenant
120 occupies without penalty or liability for the remaining term of the
121 rental agreement by giving written notice to the landlord at least thirty
122 days prior to the date the tenant intends to terminate the rental
123 agreement.

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

142 (c) The tenant's termination of his or her rental agreement with the
143 landlord pursuant to this section shall not relieve (1) the tenant from
144 liability to the landlord for any rent arrearage incurred prior to such
145 termination of the rental agreement or from liability to the landlord for

146 property damage caused by the tenant, or (2) any other tenant from
147 liability to the landlord under the rental agreement.

148 (d) If the tenant terminates his or her rental agreement with the
149 landlord pursuant to this section, any occupant without the right or
150 privilege to occupy such dwelling unit shall vacate the premises prior
151 to the date of such termination.

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

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

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

162 (a) The state, acting by and in the discretion of the Commissioner of
163 Economic and Community Development, may enter into a contract
164 with a community housing development corporation, a municipal
165 developer or a nonprofit corporation for state financial assistance in
166 the form of a state grant-in-aid, loan, deferred loan, loan guarantee or
167 interest subsidy for the cost of acquisition, construction, rehabilitation
168 or renovation of multifamily dwellings for persons and families whose
169 adjusted monthly income does not exceed fifty per cent of the median
170 household income, as determined by the commissioner, for the area in
171 which they reside and who have received emergency shelter services
172 or shelter services for [battered women] victims of domestic violence
173 and are in need of transitional housing and support services for a
174 period of six to twenty-four months. Such housing and services shall
175 be designed to enable such persons to maintain their current jobs,
176 improve their employment skills, retrain for different occupations or

177 continue their education. Such services may include, without
178 limitation, information and referral; counseling and support groups;
179 aid in finding vocational training, education or employment; health,
180 nutrition, fitness and recreation programs; child care; transportation;
181 legal aid; and financial counseling. In the case of a deferred loan, the
182 contract shall require that payments on interest are due immediately
183 but that payments on principal may be made at a later time.

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

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

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

209 (b) The following persons shall be mandated reporters: Any
210 physician or surgeon licensed under the provisions of chapter 370, any
211 resident physician or intern in any hospital in this state, whether or not
212 so licensed, any registered nurse, licensed practical nurse, medical
213 examiner, dentist, dental hygienist or psychologist, a school employee,
214 as defined in section 53a-65, social worker, police officer, juvenile or
215 adult probation officer, juvenile or adult parole officer, member of the
216 clergy, pharmacist, physical therapist, optometrist, chiropractor,
217 podiatrist, mental health professional or physician assistant, any
218 person who is a licensed or certified emergency medical services
219 provider, any person who is a licensed or certified alcohol and drug
220 counselor, any person who is a licensed marital and family therapist,
221 any person who is a sexual assault counselor or a [battered women's]
222 domestic violence counselor, as defined in section 52-146k, as amended
223 by this act, any person who is a licensed professional counselor, any
224 person who is a licensed foster parent, any person paid to care for a
225 child in any public or private facility, child day care center, group day
226 care home or family day care home licensed by the state, any employee
227 of the Department of Children and Families, any employee of the
228 Department of Public Health who is responsible for the licensing of
229 child day care centers, group day care homes, family day care homes
230 or youth camps, the Child Advocate and any employee of the Office of
231 the Child Advocate and any family relations counselor, family
232 relations counselor trainee or family services supervisor employed by
233 the Judicial Department.

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

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

242 (E) threats of or attempts at physical or sexual abuse; (F) mental abuse;
243 or (G) neglect or deprivation of medical care; and

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

247 (a) Any physician or surgeon licensed under the provisions of
248 chapter 370, any resident physician or intern in any hospital in this
249 state, whether or not so licensed, and any registered nurse, licensed
250 practical nurse, medical examiner, dentist, optometrist, chiropractor,
251 podiatrist, social worker, clergyman, police officer, pharmacist,
252 physical therapist, long-term care facility administrator, nurse's aide or
253 orderly in a long-term care facility, any person paid for caring for a
254 patient in a long-term care facility, any staff person employed by a
255 long-term care facility and any person who is a sexual assault
256 counselor or a [battered women's] domestic violence counselor as
257 defined in section 52-146k, as amended by this act, who has reasonable
258 cause to suspect or believe that a resident in a long-term care facility
259 has been abused, neglected, exploited or abandoned, or is in a
260 condition that is the result of such abuse, neglect, exploitation or
261 abandonment, shall, not later than seventy-two hours after such
262 suspicion or belief arose, report such information or cause a report to
263 be made in any reasonable manner to the Commissioner of Social
264 Services pursuant to chapter 319dd. Any person required to report
265 under the provision of this section who fails to make such report
266 within the prescribed time period shall be fined not more than five
267 hundred dollars, except that, if such person intentionally fails to make
268 such report within the prescribed time period, such person shall be
269 guilty of a class C misdemeanor for the first offense and a class A
270 misdemeanor for any subsequent offense.

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

274 (a) Any physician or surgeon licensed under the provisions of
275 chapter 370, any resident physician or intern in any hospital in this
276 state, whether or not so licensed, any registered nurse, any person paid
277 for caring for persons in any facility and any licensed practical nurse,
278 medical examiner, dental hygienist, dentist, occupational therapist,
279 optometrist, chiropractor, psychologist, podiatrist, social worker,
280 school teacher, school principal, school guidance counselor, school
281 paraprofessional, mental health professional, physician assistant,
282 licensed or certified substance abuse counselor, licensed marital and
283 family therapist, speech and language pathologist, clergyman, police
284 officer, pharmacist, physical therapist, licensed professional counselor
285 or sexual assault counselor or [battered women's] domestic violence
286 counselor, as defined in section 52-146k, as amended by this act, who
287 has reasonable cause to suspect or believe that any person with
288 intellectual disability has been abused or neglected shall, as soon as
289 practicable but not later than seventy-two hours after such person has
290 reasonable cause to suspect or believe that a person with intellectual
291 disability has been abused or neglected, report such information or
292 cause a report to be made in any reasonable manner to the director or
293 persons the director designates to receive such reports. Such initial
294 report shall be followed up by a written report not later than five
295 calendar days after the initial report was made. Any person required to
296 report under this subsection who fails to make such report shall be
297 fined not more than five hundred dollars.

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

301 (f) The Police Officer Standards and Training Council, in
302 conjunction with the Division of Criminal Justice, shall establish an
303 education and training program for law enforcement officers,
304 supervisors and state's attorneys on the handling of family violence
305 incidents. Training under such program shall: (1) Stress the
306 enforcement of criminal law in family violence cases and the use of

307 community resources, and include training for peace officers at both
308 recruit and in-service levels; and (2) include, but not be limited to: (A)
309 The nature, extent and causes of family violence; (B) legal rights of and
310 remedies available to victims of family violence and persons accused
311 of family violence; (C) services and facilities available to victims and
312 [batterers] persons who commit acts of family violence; (D) legal duties
313 imposed on police officers to make arrests and to offer protection and
314 assistance, including applicable probable cause standards; and (E)
315 techniques for handling incidents of family violence that minimize the
316 likelihood of injury to the officer and promote the safety of the victim.
317 On and after July 1, 2010, training under such program shall also
318 include, within available appropriations, information on (i) the impact
319 of arrests of multiple parties in a family violence case on the
320 immigration status of the parties; (ii) crime scene investigation and
321 evaluation practices in family violence cases designed by the council to
322 reduce the number of multiple arrests in family violence cases; and (iii)
323 practical considerations in the application of [state] the general statutes
324 related to family violence. On and after July 1, 2010, such training shall
325 also address, within available appropriations, eligibility for federal T
326 Visas for victims of human trafficking and federal U Visas for
327 unauthorized immigrants who are victims of family violence and other
328 crimes.

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

332 (d) In all cases of family violence, a written or oral report that
333 indicates whether the parties in the family violence case are parties to a
334 case pending on the family relations docket of the Superior Court and
335 includes recommendation of the local family violence intervention unit
336 shall be available to a judge at the first court date appearance to be
337 presented at any time during the court session on that date. A judge of
338 the Superior Court may consider and impose the following conditions
339 to protect the parties, including, but not limited to: (1) Issuance of a

340 protective order pursuant to subsection (e) of this section; (2)
341 prohibition against subjecting the victim to further violence; (3) referral
342 to a family violence education program for [batterers] persons who
343 commit acts of family violence; and (4) immediate referral for more
344 extensive case assessment. Such protective order shall be an order of
345 the court, and the clerk of the court shall cause (A) a copy of such
346 order to be sent to the victim, and (B) a copy of such order, or the
347 information contained in such order, to be sent by facsimile or other
348 means within forty-eight hours of its issuance to the law enforcement
349 agency for the town in which the victim resides and, if the defendant
350 resides in a town different from the town in which the victim resides,
351 to the law enforcement agency for the town in which the defendant
352 resides. If the victim is employed in a town different from the town in
353 which the victim resides, the clerk of the court shall, upon the request
354 of the victim, send, by facsimile or other means, a copy of such order,
355 or the information contained in such order, to the law enforcement
356 agency for the town in which the victim is employed not later than
357 forty-eight hours after the issuance of such order. If the victim is
358 enrolled in a public or private elementary or secondary school,
359 including a technical high school, or an institution of higher education,
360 as defined in section 10a-55, the clerk of the court shall, upon the
361 request of the victim, send, by facsimile or other means, a copy of such
362 order, or the information contained in such order, to such school or
363 institution of higher education, the president of any institution of
364 higher education at which the victim is enrolled and the special police
365 force established pursuant to section 10a-142, if any, at the institution
366 of higher education at which the victim is enrolled.

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

369 (a) As used in this section:

370 (1) ["Battered women's center"] "Domestic violence agency" means
371 any office, shelter, host home or [center] agency offering assistance to

372 [battered women] victims of domestic violence through crisis
373 intervention, emergency shelter referral and medical and legal
374 advocacy, and which meets the Department of Social Services criteria
375 of service provision for such [centers] agencies.

376 (2) ["Battered women's counselor"] "Domestic violence counselor"
377 means any person engaged in a battered women's center (A) who has
378 undergone a minimum of twenty hours of training which shall
379 include, but not be limited to, the dynamics of [battering] domestic
380 violence, crisis intervention, communication skills, working with
381 diverse populations, an overview of the state criminal justice system
382 and information about state and community resources for [battered
383 women] victims of domestic violence, (B) who is certified as a
384 counselor by the [battered women's center which] domestic violence
385 agency that provided such training, (C) who is under the control of a
386 direct service supervisor of a [battered women's center] domestic
387 violence agency, and (D) whose primary purpose is the rendering of
388 advice, counsel and assistance to, and the advocacy of the cause of,
389 [battered women] victims of domestic violence.

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

403 (4) "Rape crisis center" means any office, institution or center

404 offering assistance to victims of sexual assault and their families
405 through crisis intervention, medical and legal advocacy and follow-up
406 counseling.

407 (5) "Sexual assault counselor" means (A) any person engaged in a
408 rape crisis center who (i) has undergone a minimum of twenty hours
409 of training which shall include, but not be limited to, the dynamics of
410 sexual assault and incest, crisis intervention, communication skills,
411 working with diverse populations, an overview of the state criminal
412 justice system, information about hospital and medical systems and
413 information about state and community resources for sexual assault
414 victims, (ii) is certified as a counselor by the sexual assault center
415 which has provided such training, (iii) is under the control of a direct
416 services supervisor of a rape crisis center, and (iv) whose primary
417 purpose is the rendering of advice, counseling and assistance to, and
418 the advocacy of the cause of, victims of sexual assault, or (B) any
419 member of the armed forces of the state or the United States who is
420 trained and certified as a victim advocate or a sexual assault
421 prevention coordinator in accordance with the military's sexual assault
422 prevention and response program.

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

428 (b) On or after October 1, 1983, a [battered women's] domestic
429 violence counselor or a sexual assault counselor shall not disclose any
430 confidential communications made to such counselor at any time by a
431 victim in any civil or criminal case or proceeding or in any legislative
432 or administrative proceeding unless the victim making the confidential
433 communications waives the privilege, provided under no
434 circumstances shall the location of the [battered women's center]
435 domestic violence agency or rape crisis center or the identity of the

436 [battered women's] domestic violence counselor or sexual assault
437 counselor be disclosed in any civil or criminal proceeding. Any request
438 made on or after October 1, 1983, by the defendant or the state for such
439 confidential communications shall be subject to the provisions of this
440 subsection.

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

445 (d) A minor may knowingly waive the privilege established by this
446 section. In any instance where the minor is, in the opinion of the court,
447 incapable of knowingly waiving the privilege, the parent or guardian
448 of the minor may waive the privilege on behalf of the minor, provided
449 [such] the parent or guardian is not the defendant and does not have a
450 relationship with the defendant such that [he] the parent or guardian
451 has an interest in the outcome of the proceeding.

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

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

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

466 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,
467 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,
468 the Office of Victim Services or, on review, a victim compensation
469 commissioner may order compensation be paid if (1) the personal
470 injury has been disclosed to: (A) A physician or surgeon licensed
471 under chapter 370; (B) a resident physician or intern in any hospital in
472 this state, whether or not licensed; (C) a physician assistant licensed
473 under chapter 370; (D) an advanced practice registered nurse,
474 registered nurse or practical nurse licensed under chapter 378; (E) a
475 psychologist licensed under chapter 383; (F) a police officer; (G) a
476 mental health professional; (H) an emergency medical services
477 provider licensed or certified under chapter 368d; (I) an alcohol and
478 drug counselor licensed or certified under chapter 376b; (J) a marital
479 and family therapist licensed under chapter 383a; (K) a domestic
480 violence counselor or a sexual assault counselor, [or battered women's
481 counselor] as defined in section 52-146k, as amended by this act; (L) a
482 professional counselor licensed under chapter 383c; (M) a clinical
483 social worker licensed under chapter 383b; or (N) an employee of the
484 Department of Children and Families; and (2) the office or
485 commissioner, as the case may be, reasonably concludes that a
486 violation of any of said sections has occurred.

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

489 There is established a Criminal Justice Policy Advisory Commission
490 which shall be within the Office of Policy and Management for
491 administrative purposes only. The commission shall consist of the
492 undersecretary of the Criminal Justice Policy and Planning Division
493 within the Office of Policy and Management, the Chief Court
494 Administrator, the Commissioner of Correction, the Commissioner of
495 Public Safety, the Chief State's Attorney, the Chief Public Defender, the
496 Commissioner of Mental Health and Addiction Services and the
497 chairperson of the Board of Pardons and Paroles, or their designees,
498 the executive director of the Court Support Services Division or other

499 designee of the Chief Court Administrator and the following members,
500 each of whom shall be appointed by the Governor: Three government
501 officials, a police chief, [two] three persons representing offender and
502 victim services within the private community and two public
503 members. In addition, the Labor Commissioner and the Commissioner
504 of Social Services, or their designees, shall be members of the
505 commission with authority to deliberate and vote on matters
506 concerning employment and entitlement programs available to adult
507 and juvenile offenders who are reentering the community, and the
508 Commissioner of Children and Families and the Commissioner of
509 Education, or their designees, shall be members of the commission
510 with authority to participate and vote on matters concerning juvenile
511 justice. The undersecretary of the Criminal Justice Policy and Planning
512 Division shall serve as chairperson of the commission. The commission
513 shall meet at such times as it deems necessary.

514 Sec. 17. (NEW) (*Effective July 1, 2013*) The Chief Court Administrator
515 shall provide in each court where family matters or family violence
516 matters are heard or where a domestic violence docket, as defined in
517 section 51-181e of the general statutes, is located a secure conference
518 room for victims of family violence crimes and advocates for victims of
519 family violence crimes which is separate from the conference room of
520 the respondent or defendant or the respondent's or defendant's family,
521 friends, attorneys or witnesses and separate from the office of the
522 state's attorney.

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

525 (a) Not later than two business days after the occurrence of any
526 event that makes a person ineligible to possess a pistol or revolver or
527 other firearm, such person shall (1) transfer in accordance with section
528 29-33 all pistols and revolvers which such person then possesses to any
529 person eligible to possess a pistol or revolver and transfer in
530 accordance with any applicable state and federal laws all other

531 firearms to any person eligible to possess such other firearms by
532 obtaining an authorization number for the sale or transfer of the
533 firearm from the Commissioner of Emergency Services and Public
534 Protection, and submit a sale or transfer of firearms form to said
535 commissioner within two business days, except that a person
536 [described in subdivision (3) of subsection (a) of section 53a-217]
537 subject to a restraining or protective order or a foreign order of
538 protection may only transfer a pistol, revolver or other firearm under
539 this subdivision to a federally licensed firearms dealer pursuant to the
540 sale of the pistol, revolver or other firearm to the federally licensed
541 firearms dealer, or (2) deliver or surrender such pistols and revolvers
542 and other firearms to the Commissioner of Emergency Services and
543 Public Protection. The commissioner shall exercise due care in the
544 receipt and holding of such pistols and revolvers and other firearms.
545 For the purposes of this section, a ["person described in subdivision (3)
546 of subsection (a) of section 53a-217" means a person described in said
547 subdivision, regardless of whether such person was convicted under
548 said subdivision] "person subject to a restraining or protective order or
549 a foreign order of protection" means a person who knows that such
550 person is subject to (A) a restraining or protective order of a court of
551 this state that has been issued against such person, after notice and an
552 opportunity to be heard has been provided to such person, in a case
553 involving the use, attempted use or threatened use of physical force
554 against another person, or (B) a foreign order of protection, as defined
555 in section 46b-15a, that has been issued against such person in a case
556 involving the use, attempted use or threatened use of physical force
557 against another person.

558 (b) Such person, or such person's legal representative, may, at any
559 time up to one year after such delivery or surrender, transfer such
560 pistols and revolvers in accordance with the provisions of section 29-33
561 to any person eligible to possess a pistol or revolver and transfer such
562 other firearms, in accordance with any applicable state and federal
563 laws, to any person eligible to possess such other firearms, provided

564 any [such person described in subdivision (3) of subsection (a) of
565 section 53a-217] person subject to a restraining or protective order or a
566 foreign order of protection, or such person's legal representative, may
567 only transfer such pistol, revolver or other firearm to a federally
568 licensed firearms dealer pursuant to the sale of the pistol, revolver or
569 other firearm to the federally licensed firearms dealer. Upon
570 notification in writing by the transferee and such person, the
571 Commissioner of Emergency Services and Public Protection shall,
572 within ten days, deliver such pistols and revolvers or other firearms to
573 the transferee. If, at the end of such year, such pistols and revolvers or
574 other firearms have not been so transferred, the commissioner shall
575 cause them to be destroyed.

576 (c) Any person who fails to transfer, deliver or surrender any such
577 pistols and revolvers and other firearms as provided in this section
578 shall be subject to the penalty provided for in section 53a-217 or 53a-
579 217c.

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

582 (a) The Commissioner of Emergency Services and Public Protection,
583 in conjunction with the Chief State's Attorney and the Connecticut
584 Police Chiefs Association, shall develop a protocol to ensure that
585 persons who become ineligible to possess a pistol or revolver or other
586 firearm have, in accordance with section 29-36k, as amended by this
587 act, transferred such pistol or revolver or other firearm to a person
588 eligible to possess such pistol or revolver or other firearm or have
589 delivered or surrendered such pistol or revolver or other firearm to
590 said commissioner. Such protocol shall include provisions to ensure
591 that a person who becomes ineligible to possess a pistol or revolver or
592 other firearm because such person is subject to a restraining or
593 protective order or a foreign order of protection, as defined in section
594 29-36k, as amended by this act, transfers such pistol or revolver or
595 other firearm, or delivers or surrenders such pistol or revolver or other

596 firearm, while accompanied by an officer of an organized local police
597 department or the Division of State Police, or pursuant to other
598 arrangements made with an organized local police department or the
599 Division of State Police in advance of such transfer, delivery or
600 surrender.

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

613 Sec. 20. (*Effective from passage*) (a) Not later than November 30, 2013,
614 the Chief Court Administrator shall assess the effectiveness of
615 programs maintained by the Court Support Services Division within
616 the Judicial Branch with respect to family violence, including, but not
617 limited to, the pretrial family violence education program established
618 in section 46b-38c of the general statutes, as amended by this act, and
619 the EVOLVE and EXPLORE programs. Such assessment shall consider
620 findings from the Pew-MacArthur Results First Initiative's cost-benefit
621 analysis model with respect to such programs. After conducting such
622 assessment, the Chief Court Administrator shall determine whether
623 any program changes may be implemented to improve the cost-
624 effectiveness of such programs.

625 (b) Not later than December 31, 2013, the Chief Court Administrator
626 shall submit a report, in accordance with section 11-4a of the general
627 statutes, to the joint standing committees of the General Assembly

628 having cognizance of matters relating to appropriations and the
 629 judiciary that (1) describes such assessment, (2) identifies any program
 630 changes implemented by the division as a result of such assessment,
 631 and (3) makes any recommendations that the Chief Court
 632 Administrator deems appropriate concerning statutory or program
 633 changes that may improve the cost-effectiveness of such programs.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	46b-15(b)
Sec. 2	<i>October 1, 2013</i>	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

Statement of Purpose:

To: (1) Provide that a restraining order may include provisions to require the subject of the order to maintain household and personal expense payments on behalf of the applicant; (2) require probation officers to provide certain notices of probation violations to assigned victim advocates; (3) require that the family violence training program for Judicial Branch personnel be available to guardians ad litem; (4) extend the ability to terminate a rental agreement because of family violence to victims of a sexual assault; (5) replace statutory references to battered women and batterers for consistency with current terminology; (6) add one member to the Criminal Justice Policy Advisory Commission; (7) require an assessment of Judicial Branch family violence intervention programs in accordance with data from the Pew-MacArthur Results First Initiative's analysis of such programs; (8) require the Chief Court Administrator to maintain a separate secure waiting area in courthouses for victims of family violence crimes; (9) revise the protocol for surrender of a firearm by a person who is subject to a restraining order, protective order or a foreign order of protection; and (10) require a study of on-going training for judges and Judicial Branch personnel.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]