



House of Representatives

File No. 869

General Assembly

January Session, 2013

(Reprint of File No. 744)

Substitute House Bill No. 6702
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 24, 2013

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 (a) of section 53a-32 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (a) At any time during the period of probation or conditional
5 discharge, the court or any judge thereof may issue a warrant for the
6 arrest of a defendant for violation of any of the conditions of probation
7 or conditional discharge, or may issue a notice to appear to answer to a
8 charge of such violation, which notice shall be personally served upon
9 the defendant. Any such warrant shall authorize all officers named
10 therein to return the defendant to the custody of the court or to any
11 suitable detention facility designated by the court. Whenever a
12 probation officer has probable cause to believe that a person has
13 violated a condition of such person's probation, such probation officer
14 may notify any police officer that such person has, in such officer's

15 judgment, violated the conditions of such person's probation and such
16 notice shall be sufficient warrant for the police officer to arrest such
17 person and return such person to the custody of the court or to any
18 suitable detention facility designated by the court. Whenever a
19 probation officer so notifies a police officer, the probation officer shall
20 notify the victim of the offense for which such person is on probation,
21 and any victim advocate assigned to assist the victim, provided the
22 probation officer has been provided with the name and contact
23 information for such victim or victim advocate. Any probation officer
24 may arrest any defendant on probation without a warrant or may
25 deputize any other officer with power to arrest to do so by giving such
26 other officer a written statement setting forth that the defendant has, in
27 the judgment of the probation officer, violated the conditions of the
28 defendant's probation. Such written statement, delivered with the
29 defendant by the arresting officer to the official in charge of any
30 correctional center or other place of detention, shall be sufficient
31 warrant for the detention of the defendant. After making such an
32 arrest, such probation officer shall present to the detaining authorities
33 a similar statement of the circumstances of violation. Provisions
34 regarding release on bail of persons charged with a crime shall be
35 applicable to any defendant arrested under the provisions of this
36 section. Upon such arrest and detention, the probation officer shall
37 immediately so notify the court or any judge thereof.

38 Sec. 2. Subparagraph (K) of subdivision (7) of subsection (b) of
39 section 54-203 of the general statutes is repealed and the following is
40 substituted in lieu thereof (*Effective October 1, 2013*):

41 (K) Subject to the provisions of section 53a-32, as amended by this
42 act, the victim and any victim advocate assigned to assist the victim
43 may receive notification from a probation officer whenever the officer
44 has notified a police officer that the probation officer has probable
45 cause to believe that the offender has violated a condition of such
46 offender's probation.

47 Sec. 3. Subsection (j) of section 46b-38c of the general statutes is

48 repealed and the following is substituted in lieu thereof (*Effective*
49 *October 1, 2013*):

50 (j) The Judicial Department shall establish an ongoing training
51 program for judges, Court Support Services Division personnel,
52 guardians ad litem and clerks to inform them about the policies and
53 procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and
54 54-1g, including, but not limited to, the function of the family violence
55 intervention units and the use of restraining and protective orders.

56 Sec. 4. Section 47a-11e of the general statutes is repealed and the
57 following is substituted in lieu thereof (*Effective October 1, 2013*):

58 (a) Notwithstanding the provisions of this chapter and chapter 831,
59 for rental agreements entered into or renewed on or after January 1,
60 2011, any tenant who (1) is a victim of family violence, as defined in
61 section 46b-38a, and (2) reasonably believes it is necessary to vacate the
62 dwelling unit due to fear of imminent harm to the tenant or a
63 dependent of the tenant because of family violence, may terminate his
64 or her rental agreement with the landlord for the dwelling unit that the
65 tenant occupies without penalty or liability for the remaining term of
66 the rental agreement by giving written notice to the landlord at least
67 thirty days prior to the date the tenant intends to terminate the rental
68 agreement. Notwithstanding the provisions of this chapter and chapter
69 831, for rental agreements entered into or renewed on or after January
70 1, 2014, any tenant who (A) is a victim of sexual assault under any
71 provision of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b
72 or 53a-73a, or is the parent or guardian with physical custody of a
73 dependent who is the victim of sexual assault under section 53a-70c,
74 and (B) reasonably believes it is necessary to vacate the dwelling unit
75 due to fear of imminent harm to the tenant or a dependent of the
76 tenant because of such sexual assault, may terminate his or her rental
77 agreement with the landlord for the dwelling unit that the tenant
78 occupies without penalty or liability for the remaining term of the
79 rental agreement by giving written notice to the landlord at least thirty
80 days prior to the date the tenant intends to terminate the rental

81 agreement.

82 (b) Such notice shall include: (1) A statement made under oath or
83 affirmation that (A) the tenant or a dependent of the tenant is a victim
84 of family violence or sexual assault, as the case may be; (B) the tenant
85 intends to terminate the rental agreement and the date of such
86 intended termination; and (C) the tenant has vacated the premises and
87 removed all of his or her possessions and personal effects or, prior to
88 the date of such termination, will vacate the premises and remove all
89 of his or her possessions and personal effects and, if such possessions
90 and personal effects have not been removed by the date of such
91 termination, has abandoned such possessions and personal effects; and
92 (2) (A) a copy of a police or court record detailing an act of family
93 violence or sexual assault against the tenant or the tenant's dependent
94 that is dated not more than ninety days prior to the date of the tenant's
95 notice, or (B) a signed written statement from an employee of the
96 Office of Victim Services within the Judicial Department or the Office
97 of Victim Advocate detailing an act of family violence or sexual assault
98 against the tenant or the tenant's dependent that is dated not more
99 than thirty days prior to the date of the tenant's notice.

100 (c) The tenant's termination of his or her rental agreement with the
101 landlord pursuant to this section shall not relieve (1) the tenant from
102 liability to the landlord for any rent arrearage incurred prior to such
103 termination of the rental agreement or from liability to the landlord for
104 property damage caused by the tenant, or (2) any other tenant from
105 liability to the landlord under the rental agreement.

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

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

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

117 Sec. 5. Subsection (a) of section 8-357 of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective*
119 *October 1, 2013*):

120 (a) The state, acting by and in the discretion of the Commissioner of
121 Economic and Community Development, may enter into a contract
122 with a community housing development corporation, a municipal
123 developer or a nonprofit corporation for state financial assistance in
124 the form of a state grant-in-aid, loan, deferred loan, loan guarantee or
125 interest subsidy for the cost of acquisition, construction, rehabilitation
126 or renovation of multifamily dwellings for persons and families whose
127 adjusted monthly income does not exceed fifty per cent of the median
128 household income, as determined by the commissioner, for the area in
129 which they reside and who have received emergency shelter services
130 or shelter services for [battered women] victims of domestic violence
131 and are in need of transitional housing and support services for a
132 period of six to twenty-four months. Such housing and services shall
133 be designed to enable such persons to maintain their current jobs,
134 improve their employment skills, retrain for different occupations or
135 continue their education. Such services may include, without
136 limitation, information and referral; counseling and support groups;
137 aid in finding vocational training, education or employment; health,
138 nutrition, fitness and recreation programs; child care; transportation;
139 legal aid; and financial counseling. In the case of a deferred loan, the
140 contract shall require that payments on interest are due immediately
141 but that payments on principal may be made at a later time.

142 Sec. 6. Subparagraph (B) of subdivision (7) of section 12-81 of the
143 general statutes is repealed and the following is substituted in lieu
144 thereof (*Effective October 1, 2013*):

145 (B) On and after July 1, 1967, housing subsidized, in whole or in
146 part, by federal, state or local government and housing for persons or
147 families of low and moderate income shall not constitute a charitable
148 purpose under this section. As used in this subdivision, "housing" shall
149 not include real property used for temporary housing belonging to, or
150 held in trust for, any corporation organized exclusively for charitable
151 purposes and exempt from taxation for federal income tax purposes,
152 the primary use of which property is one or more of the following: (i)
153 An orphanage; (ii) a drug or alcohol treatment or rehabilitation facility;
154 (iii) housing for homeless individuals, mentally or physically
155 handicapped individuals or persons with intellectual disability, or for
156 [battered or abused women and children] victims of domestic violence;
157 (iv) housing for ex-offenders or for individuals participating in a
158 program sponsored by the state Department of Correction or Judicial
159 Branch; and (v) short-term housing operated by a charitable
160 organization where the average length of stay is less than six months.
161 The operation of such housing, including the receipt of any rental
162 payments, by such charitable organization shall be deemed to be an
163 exclusively charitable purpose;

164 Sec. 7. Subsection (b) of section 17a-101 of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective*
166 *October 1, 2013*):

167 (b) The following persons shall be mandated reporters: Any
168 physician or surgeon licensed under the provisions of chapter 370, any
169 resident physician or intern in any hospital in this state, whether or not
170 so licensed, any registered nurse, licensed practical nurse, medical
171 examiner, dentist, dental hygienist or psychologist, a school employee,
172 as defined in section 53a-65, social worker, police officer, juvenile or
173 adult probation officer, juvenile or adult parole officer, member of the
174 clergy, pharmacist, physical therapist, optometrist, chiropractor,
175 podiatrist, mental health professional or physician assistant, any
176 person who is a licensed or certified emergency medical services
177 provider, any person who is a licensed or certified alcohol and drug
178 counselor, any person who is a licensed marital and family therapist,

179 any person who is a sexual assault counselor or a [battered women's]
180 domestic violence counselor, as defined in section 52-146k, as amended
181 by this act, any person who is a licensed professional counselor, any
182 person who is a licensed foster parent, any person paid to care for a
183 child in any public or private facility, child day care center, group day
184 care home or family day care home licensed by the state, any employee
185 of the Department of Children and Families, any employee of the
186 Department of Public Health who is responsible for the licensing of
187 child day care centers, group day care homes, family day care homes
188 or youth camps, the Child Advocate and any employee of the Office of
189 the Child Advocate and any family relations counselor, family
190 relations counselor trainee or family services supervisor employed by
191 the Judicial Department.

192 Sec. 8. Subdivision (1) of subsection (a) of section 17b-112a of the
193 general statutes is repealed and the following is substituted in lieu
194 thereof (*Effective October 1, 2013*):

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

202 Sec. 9. Subsection (a) of section 17b-407 of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective*
204 *October 1, 2013*):

205 (a) Any physician or surgeon licensed under the provisions of
206 chapter 370, any resident physician or intern in any hospital in this
207 state, whether or not so licensed, and any registered nurse, licensed
208 practical nurse, medical examiner, dentist, optometrist, chiropractor,
209 podiatrist, social worker, clergyman, police officer, pharmacist,
210 physical therapist, long-term care facility administrator, nurse's aide or

211 orderly in a long-term care facility, any person paid for caring for a
212 patient in a long-term care facility, any staff person employed by a
213 long-term care facility and any person who is a sexual assault
214 counselor or a [battered women's] domestic violence counselor as
215 defined in section 52-146k, as amended by this act, who has reasonable
216 cause to suspect or believe that a resident in a long-term care facility
217 has been abused, neglected, exploited or abandoned, or is in a
218 condition that is the result of such abuse, neglect, exploitation or
219 abandonment, shall, not later than seventy-two hours after such
220 suspicion or belief arose, report such information or cause a report to
221 be made in any reasonable manner to the Commissioner of Social
222 Services pursuant to chapter 319dd. Any person required to report
223 under the provision of this section who fails to make such report
224 within the prescribed time period shall be fined not more than five
225 hundred dollars, except that, if such person intentionally fails to make
226 such report within the prescribed time period, such person shall be
227 guilty of a class C misdemeanor for the first offense and a class A
228 misdemeanor for any subsequent offense.

229 Sec. 10. Subsection (a) of section 46a-11b of the general statutes is
230 repealed and the following is substituted in lieu thereof (*Effective*
231 *October 1, 2013*):

232 (a) Any physician or surgeon licensed under the provisions of
233 chapter 370, any resident physician or intern in any hospital in this
234 state, whether or not so licensed, any registered nurse, any person paid
235 for caring for persons in any facility and any licensed practical nurse,
236 medical examiner, dental hygienist, dentist, occupational therapist,
237 optometrist, chiropractor, psychologist, podiatrist, social worker,
238 school teacher, school principal, school guidance counselor, school
239 paraprofessional, mental health professional, physician assistant,
240 licensed or certified substance abuse counselor, licensed marital and
241 family therapist, speech and language pathologist, clergyman, police
242 officer, pharmacist, physical therapist, licensed professional counselor
243 or sexual assault counselor or [battered women's] domestic violence
244 counselor, as defined in section 52-146k, as amended by this act, who

245 has reasonable cause to suspect or believe that any person with
246 intellectual disability has been abused or neglected shall, as soon as
247 practicable but not later than seventy-two hours after such person has
248 reasonable cause to suspect or believe that a person with intellectual
249 disability has been abused or neglected, report such information or
250 cause a report to be made in any reasonable manner to the director or
251 persons the director designates to receive such reports. Such initial
252 report shall be followed up by a written report not later than five
253 calendar days after the initial report was made. Any person required to
254 report under this subsection who fails to make such report shall be
255 fined not more than five hundred dollars.

256 Sec. 11. Subsection (f) of section 46b-38b of the general statutes is
257 repealed and the following is substituted in lieu thereof (*Effective*
258 *October 1, 2013*):

259 (f) The Police Officer Standards and Training Council, in
260 conjunction with the Division of Criminal Justice, shall establish an
261 education and training program for law enforcement officers,
262 supervisors and state's attorneys on the handling of family violence
263 incidents. Training under such program shall: (1) Stress the
264 enforcement of criminal law in family violence cases and the use of
265 community resources, and include training for peace officers at both
266 recruit and in-service levels; and (2) include, but not be limited to: (A)
267 The nature, extent and causes of family violence; (B) legal rights of and
268 remedies available to victims of family violence and persons accused
269 of family violence; (C) services and facilities available to victims and
270 [batterers] persons who commit acts of family violence; (D) legal duties
271 imposed on police officers to make arrests and to offer protection and
272 assistance, including applicable probable cause standards; and (E)
273 techniques for handling incidents of family violence that minimize the
274 likelihood of injury to the officer and promote the safety of the victim.
275 On and after July 1, 2010, training under such program shall also
276 include, within available appropriations, information on (i) the impact
277 of arrests of multiple parties in a family violence case on the
278 immigration status of the parties; (ii) crime scene investigation and

279 evaluation practices in family violence cases designed by the council to
280 reduce the number of multiple arrests in family violence cases; and (iii)
281 practical considerations in the application of [state] the general statutes
282 related to family violence. On and after July 1, 2010, such training shall
283 also address, within available appropriations, eligibility for federal T
284 Visas for victims of human trafficking and federal U Visas for
285 unauthorized immigrants who are victims of family violence and other
286 crimes.

287 Sec. 12. Subsection (d) of section 46b-38c of the general statutes is
288 repealed and the following is substituted in lieu thereof (*Effective*
289 *October 1, 2013*):

290 (d) In all cases of family violence, a written or oral report that
291 indicates whether the parties in the family violence case are parties to a
292 case pending on the family relations docket of the Superior Court and
293 includes recommendation of the local family violence intervention unit
294 shall be available to a judge at the first court date appearance to be
295 presented at any time during the court session on that date. A judge of
296 the Superior Court may consider and impose the following conditions
297 to protect the parties, including, but not limited to: (1) Issuance of a
298 protective order pursuant to subsection (e) of this section; (2)
299 prohibition against subjecting the victim to further violence; (3) referral
300 to a family violence education program for [batterers] persons who
301 commit acts of family violence; and (4) immediate referral for more
302 extensive case assessment. Such protective order shall be an order of
303 the court, and the clerk of the court shall cause (A) a copy of such
304 order to be sent to the victim, and (B) a copy of such order, or the
305 information contained in such order, to be sent by facsimile or other
306 means within forty-eight hours of its issuance to the law enforcement
307 agency for the town in which the victim resides and, if the defendant
308 resides in a town different from the town in which the victim resides,
309 to the law enforcement agency for the town in which the defendant
310 resides. If the victim is employed in a town different from the town in
311 which the victim resides, the clerk of the court shall, upon the request
312 of the victim, send, by facsimile or other means, a copy of such order,

313 or the information contained in such order, to the law enforcement
314 agency for the town in which the victim is employed not later than
315 forty-eight hours after the issuance of such order. If the victim is
316 enrolled in a public or private elementary or secondary school,
317 including a technical high school, or an institution of higher education,
318 as defined in section 10a-55, the clerk of the court shall, upon the
319 request of the victim, send, by facsimile or other means, a copy of such
320 order, or the information contained in such order, to such school or
321 institution of higher education, the president of any institution of
322 higher education at which the victim is enrolled and the special police
323 force established pursuant to section 10a-142, if any, at the institution
324 of higher education at which the victim is enrolled.

325 Sec. 13. Section 52-146k of the general statutes is repealed and the
326 following is substituted in lieu thereof (*Effective October 1, 2013*):

327 (a) As used in this section:

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

334 (2) ["Battered women's counselor"] "Domestic violence counselor"
335 means any person engaged in a [battered women's center] domestic
336 violence agency (A) who has undergone a minimum of twenty hours
337 of training which shall include, but not be limited to, the dynamics of
338 [battering] domestic violence, crisis intervention, communication
339 skills, working with diverse populations, an overview of the state
340 criminal justice system and information about state and community
341 resources for [battered women] victims of domestic violence, (B) who
342 is certified as a counselor by the [battered women's center which]
343 domestic violence agency that provided such training, (C) who is
344 under the control of a direct service supervisor of a [battered women's

345 center] domestic violence agency, and (D) whose primary purpose is
346 the rendering of advice, counsel and assistance to, and the advocacy of
347 the cause of, [battered women] victims of domestic violence.

348 (3) "Confidential communication" means information transmitted
349 between a victim of [a battering] domestic violence or a victim of a
350 sexual assault and a [battered women's] domestic violence counselor
351 or a sexual assault counselor in the course of that relationship and in
352 confidence by a means which, so far as the victim is aware, does not
353 disclose the information to a third person other than any person who is
354 present to further the interests of the victim in the consultation or any
355 person to whom disclosure is reasonably necessary for the
356 transmission of the information or for the accomplishment of the
357 purposes for which such counselor is consulted, and includes all
358 information received by, and any advice, report or working paper
359 given or made by, such counselor in the course of the relationship with
360 the victim.

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

365 (5) "Sexual assault counselor" means (A) any person engaged in a
366 rape crisis center who (i) has undergone a minimum of twenty hours
367 of training which shall include, but not be limited to, the dynamics of
368 sexual assault and incest, crisis intervention, communication skills,
369 working with diverse populations, an overview of the state criminal
370 justice system, information about hospital and medical systems and
371 information about state and community resources for sexual assault
372 victims, (ii) is certified as a counselor by the sexual assault center
373 which has provided such training, (iii) is under the control of a direct
374 services supervisor of a rape crisis center, and (iv) whose primary
375 purpose is the rendering of advice, counseling and assistance to, and
376 the advocacy of the cause of, victims of sexual assault, or (B) any
377 member of the armed forces of the state or the United States who is

378 trained and certified as a victim advocate or a sexual assault
379 prevention coordinator in accordance with the military's sexual assault
380 prevention and response program.

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

386 (b) On or after October 1, 1983, a [battered women's] domestic
387 violence counselor or a sexual assault counselor shall not disclose any
388 confidential communications made to such counselor at any time by a
389 victim in any civil or criminal case or proceeding or in any legislative
390 or administrative proceeding unless the victim making the confidential
391 communications waives the privilege, provided under no
392 circumstances shall the location of the [battered women's center]
393 domestic violence agency or rape crisis center or the identity of the
394 [battered women's] domestic violence counselor or sexual assault
395 counselor be disclosed in any civil or criminal proceeding. Any request
396 made on or after October 1, 1983, by the defendant or the state for such
397 confidential communications shall be subject to the provisions of this
398 subsection.

399 (c) When a victim is deceased or has been adjudged incompetent by
400 a court of competent jurisdiction, the guardian of the victim or the
401 executor or administrator of the estate of the victim may waive the
402 privilege established by this section.

403 (d) A minor may knowingly waive the privilege established by this
404 section. In any instance where the minor is, in the opinion of the court,
405 incapable of knowingly waiving the privilege, the parent or guardian
406 of the minor may waive the privilege on behalf of the minor, provided
407 [such] the parent or guardian is not the defendant and does not have a
408 relationship with the defendant such that [he] the parent or guardian
409 has an interest in the outcome of the proceeding.

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

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

421 Sec. 14. Subsection (d) of section 54-209 of the general statutes is
422 repealed and the following is substituted in lieu thereof (*Effective*
423 *October 1, 2013*):

424 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,
425 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,
426 the Office of Victim Services or, on review, a victim compensation
427 commissioner may order compensation be paid if (1) the personal
428 injury has been disclosed to: (A) A physician or surgeon licensed
429 under chapter 370; (B) a resident physician or intern in any hospital in
430 this state, whether or not licensed; (C) a physician assistant licensed
431 under chapter 370; (D) an advanced practice registered nurse,
432 registered nurse or practical nurse licensed under chapter 378; (E) a
433 psychologist licensed under chapter 383; (F) a police officer; (G) a
434 mental health professional; (H) an emergency medical services
435 provider licensed or certified under chapter 368d; (I) an alcohol and
436 drug counselor licensed or certified under chapter 376b; (J) a marital
437 and family therapist licensed under chapter 383a; (K) a domestic
438 violence counselor or a sexual assault counselor, [or battered women's
439 counselor] as defined in section 52-146k, as amended by this act; (L) a
440 professional counselor licensed under chapter 383c; (M) a clinical
441 social worker licensed under chapter 383b; or (N) an employee of the
442 Department of Children and Families; and (2) the office or

443 commissioner, as the case may be, reasonably concludes that a
444 violation of any of said sections has occurred.

445 Sec. 15. Section 18-87j of the general statutes is repealed and the
446 following is substituted in lieu thereof (*Effective October 1, 2013*):

447 There is established a Criminal Justice Policy Advisory Commission
448 which shall be within the Office of Policy and Management for
449 administrative purposes only. The commission shall consist of the
450 undersecretary of the Criminal Justice Policy and Planning Division
451 within the Office of Policy and Management, the Chief Court
452 Administrator, the Commissioner of Correction, the Commissioner of
453 Public Safety, the Chief State's Attorney, the Chief Public Defender, the
454 Commissioner of Mental Health and Addiction Services and the
455 chairperson of the Board of Pardons and Paroles, or their designees,
456 the executive director of the Court Support Services Division or other
457 designee of the Chief Court Administrator and the following members,
458 each of whom shall be appointed by the Governor: Three government
459 officials, a police chief, [two] three persons representing offender and
460 victim services within the private community and two public
461 members. In addition, the Labor Commissioner and the Commissioner
462 of Social Services, or their designees, shall be members of the
463 commission with authority to deliberate and vote on matters
464 concerning employment and entitlement programs available to adult
465 and juvenile offenders who are reentering the community, and the
466 Commissioner of Children and Families and the Commissioner of
467 Education, or their designees, shall be members of the commission
468 with authority to participate and vote on matters concerning juvenile
469 justice. The undersecretary of the Criminal Justice Policy and Planning
470 Division shall serve as chairperson of the commission. The commission
471 shall meet at such times as it deems necessary.

472 Sec. 16. (NEW) (*Effective July 1, 2013*) The Chief Court Administrator
473 shall provide in each court where family matters or family violence
474 matters are heard or where a domestic violence docket, as defined in
475 section 51-181e of the general statutes, is located a secure room for

476 victims of family violence crimes and advocates for victims of family
477 violence crimes which is separate from any public or private area of
478 the court intended to accommodate the respondent or defendant or the
479 respondent's or defendant's family, friends, attorneys or witnesses and
480 separate from the office of the state's attorney, provided such a room is
481 available and the use of such room is practical.

482 Sec. 17. Section 29-36k of the general statutes is repealed and the
483 following is substituted in lieu thereof (*Effective October 1, 2013*):

484 (a) Not later than two business days after the occurrence of any
485 event that makes a person ineligible to possess a pistol or revolver or
486 other firearm, such person shall (1) transfer in accordance with section
487 29-33 all pistols and revolvers which such person then possesses to any
488 person eligible to possess a pistol or revolver and transfer in
489 accordance with any applicable state and federal laws all other
490 firearms to any person eligible to possess such other firearms by
491 obtaining an authorization number for the sale or transfer of the
492 firearm from the Commissioner of Emergency Services and Public
493 Protection, and submit a sale or transfer of firearms form to said
494 commissioner within two business days, except that a person
495 [described in subdivision (3) of subsection (a) of section 53a-217]
496 subject to a restraining or protective order or a foreign order of
497 protection may only transfer a pistol, revolver or other firearm under
498 this subdivision to a federally licensed firearms dealer pursuant to the
499 sale of the pistol, revolver or other firearm to the federally licensed
500 firearms dealer, or (2) deliver or surrender such pistols and revolvers
501 and other firearms to the Commissioner of Emergency Services and
502 Public Protection. The commissioner shall exercise due care in the
503 receipt and holding of such pistols and revolvers and other firearms.
504 For the purposes of this section, a ["person described in subdivision (3)
505 of subsection (a) of section 53a-217" means a person described in said
506 subdivision, regardless of whether such person was convicted under
507 said subdivision] "person subject to a restraining or protective order or
508 a foreign order of protection" means a person who knows that such
509 person is subject to (A) a restraining or protective order of a court of

510 this state that has been issued against such person, after notice and an
511 opportunity to be heard has been provided to such person, in a case
512 involving the use, attempted use or threatened use of physical force
513 against another person, or (B) a foreign order of protection, as defined
514 in section 46b-15a, that has been issued against such person in a case
515 involving the use, attempted use or threatened use of physical force
516 against another person.

517 (b) Such person, or such person's legal representative, may, at any
518 time up to one year after such delivery or surrender, transfer such
519 pistols and revolvers in accordance with the provisions of section 29-33
520 to any person eligible to possess a pistol or revolver and transfer such
521 other firearms, in accordance with any applicable state and federal
522 laws, to any person eligible to possess such other firearms, provided
523 any [such person described in subdivision (3) of subsection (a) of
524 section 53a-217] person subject to a restraining or protective order or a
525 foreign order of protection, or such person's legal representative, may
526 only transfer such pistol, revolver or other firearm to a federally
527 licensed firearms dealer pursuant to the sale of the pistol, revolver or
528 other firearm to the federally licensed firearms dealer. Upon
529 notification in writing by the transferee and such person, the
530 Commissioner of Emergency Services and Public Protection shall,
531 within ten days, deliver such pistols and revolvers or other firearms to
532 the transferee. If, at the end of such year, such pistols and revolvers or
533 other firearms have not been so transferred, the commissioner shall
534 cause them to be destroyed.

535 (c) Any person who fails to transfer, deliver or surrender any such
536 pistols and revolvers and other firearms as provided in this section
537 shall be subject to the penalty provided for in section 53a-217 or 53a-
538 217c.

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

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

542 in conjunction with the Chief State's Attorney and the Connecticut
543 Police Chiefs Association, shall develop a protocol to ensure that
544 persons who become ineligible to possess a pistol or revolver or other
545 firearm have, in accordance with section 29-36k, as amended by this
546 act, transferred such pistol or revolver or other firearm to a person
547 eligible to possess such pistol or revolver or other firearm or have
548 delivered or surrendered such pistol or revolver or other firearm to
549 said commissioner. Such protocol shall include provisions to ensure
550 that a person who becomes ineligible to possess a pistol or revolver or
551 other firearm because such person is subject to a restraining or
552 protective order or a foreign order of protection, as defined in section
553 29-36k, as amended by this act, transfers such pistol or revolver or
554 other firearm, or delivers or surrenders such pistol or revolver or other
555 firearm, pursuant to arrangements made with an organized local
556 police department or the Division of State Police in advance of such
557 transfer, delivery or surrender.

558 (b) The Commissioner of Emergency Services and Public Protection,
559 in conjunction with the Chief State's Attorney and the Connecticut
560 Police Chiefs Association, shall update the protocol developed
561 pursuant to subsection (a) of this section to reflect the provisions of
562 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections
563 (b) and (e) of section 46b-15, subsections (c) and (d) of section 46b-38c,
564 as amended by this act, and sections 53-202a, 53-202l, 53-202m and 53a-
565 217 and shall include in such protocol specific instructions for the
566 transfer, delivery or surrender of pistols and revolvers and other
567 firearms when the assistance of more than one law enforcement
568 agency is necessary to effect the requirements of section 29-36k, as
569 amended by this act.

570 Sec. 19. (*Effective from passage*) (a) The Chief Court Administrator
571 shall develop a plan to include temporary financial support as part of
572 the relief available, when appropriate, to an applicant for a restraining
573 order under section 46b-15 of the general statutes. The Chief Court
574 Administrator shall develop such plan after consultation with state
575 agencies and private organizations and advocates with experience in

576 filing restraining order applications or in providing advocacy or
577 services to domestic violence victims. The plan shall include: (1) An
578 assessment of best practices established by other states, if any, with
579 respect to such temporary financial support; (2) recommended
580 procedures for determining (A) the assets available to an applicant and
581 respondent pursuant to an application filed under section 46b-15 of the
582 general statutes, (B) the respondent's ability to pay such temporary
583 financial support, and (C) the amount of temporary financial support
584 necessary to maintain the safety and basic needs of the applicant, if the
585 respondent has a duty to support the applicant, or the respondent's
586 dependent children; (3) recommended procedures for collecting the
587 amount of any such temporary financial support owed by the
588 respondent; (4) strategies for establishing the necessary court
589 procedures to facilitate the inclusion of temporary financial support in
590 court orders made under section 46b-15 of the general statutes; (5) an
591 assessment of the feasibility of making such temporary financial
592 support available to persons who are eligible to apply for restraining
593 orders as family or household members, as defined in section 46b-38a
594 of the general statutes, but for whom the respondent is not obligated to
595 furnish support as provided in section 46b-215 of the general statutes;
596 and (6) recommendations for legislation and other measures to
597 implement the plan.

598 (b) Not later than January 15, 2014, the Chief Court Administrator
599 shall submit the plan developed pursuant to subsection (a) of this
600 section to the speaker of the House of Representatives' Task Force on
601 Domestic Violence and the joint standing committee of the General
602 Assembly having cognizance of matters relating to the judiciary, in
603 accordance with the provisions of section 11-4a of the general statutes.

604 Sec. 20. (*Effective from passage*) The Chief Court Administrator shall
605 conduct an assessment of any training programs for judges and
606 Judicial Branch staff related to family violence, including, but not
607 limited to, the ongoing training program for judges, Court Support
608 Services Division personnel and clerks established in subsection (j) of
609 section 46b-38c of the general statutes, as amended by this act. At a

610 minimum, such assessment shall compare such training programs to
611 those of other northeastern states. Not later than December 31, 2013,
612 the Chief Court Administrator shall submit a report on the assessment
613 to the joint standing committee of the General Assembly having
614 cognizance of matters relating to the judiciary, in accordance with
615 section 11-4a of the general statutes.

616 Sec. 21. (*Effective from passage*) (a) There is established a task force to
617 study the feasibility of amending title 46b of the general statutes to
618 permit a person other than a family or household member, as defined
619 in section 46b-38a of the general statutes, to apply for a restraining
620 order pursuant to section 46b-15 of the general statutes. Such study
621 shall include an evaluation of the feasibility of permitting victims of
622 certain crimes, including sexual assault and stalking, who are not
623 family or household members of the offender to obtain a restraining
624 order pursuant to section 46b-15 of the general statutes.

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

626 (1) The cochairpersons and ranking members of the joint standing
627 committee of the General Assembly having cognizance of matters
628 relating to the judiciary, or their designees chosen from among the
629 members of the committee;

630 (2) The Chief Court Administrator;

631 (3) The Chief State's Attorney, or the Chief State's Attorney's
632 designee;

633 (4) Three members, one of whom shall represent the civil division of
634 the Judicial Branch, one of whom shall represent the criminal division
635 of the Judicial Branch and one of whom shall represent the family
636 division of the Judicial Branch, each appointed by the Chief Justice of
637 the Supreme Court; and

638 (5) Two representatives of Connecticut Sexual Assault Crisis
639 Services, Inc., appointed by the executive director of Connecticut

640 Sexual Assault Crisis Services, Inc.

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

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

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

651 (f) Not later than February 5, 2014, the task force shall submit a
 652 report on its findings and recommendations to the joint standing
 653 committee of the General Assembly having cognizance of matters
 654 relating to the judiciary, in accordance with the provisions of section
 655 11-4a of the general statutes. The task force shall terminate on the date
 656 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	53a-32(a)
Sec. 2	October 1, 2013	54-203(b)(7)(K)
Sec. 3	October 1, 2013	46b-38c(j)
Sec. 4	October 1, 2013	47a-11e
Sec. 5	October 1, 2013	8-357(a)
Sec. 6	October 1, 2013	12-81(7)(B)
Sec. 7	October 1, 2013	17a-101(b)
Sec. 8	October 1, 2013	17b-112a(a)(1)
Sec. 9	October 1, 2013	17b-407(a)
Sec. 10	October 1, 2013	46a-11b(a)
Sec. 11	October 1, 2013	46b-38b(f)
Sec. 12	October 1, 2013	46b-38c(d)
Sec. 13	October 1, 2013	52-146k
Sec. 14	October 1, 2013	54-209(d)

Sec. 15	<i>October 1, 2013</i>	18-87j
Sec. 16	<i>July 1, 2013</i>	New section
Sec. 17	<i>October 1, 2013</i>	29-36k
Sec. 18	<i>October 1, 2013</i>	29-36n
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section

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

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various changes to domestic violence and sexual assault statutes that do not result in a fiscal impact.

The bill requires 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 bill requires the Judicial Department to develop a plan to allow the courts to award temporary financial support in specific restraining order cases and to submit the plan by January 1, 2014.

House "A" struck the language of the underlying and the associated fiscal impact and replaces the bill with language that does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6702 (as amended by House "A")******AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.*****SUMMARY:**

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

1. 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;
2. requires probation officers to provide notice of suspected probation violations to assigned victim advocates, if the officer has the advocate's contact information;
3. requires the chief court administrator to maintain a separate, secure room in certain courthouses for family violence victims and their advocates, if such room is available and its use practical;
4. permits a sexual assault victim to terminate a rental agreement without penalty under some circumstances;
5. requires the chief court administrator to develop a plan to include temporary financial support as relief available to an applicant for a restraining order;
6. requires the chief court administrator to assess the effectiveness of family violence training programs for judges and Judicial Branch staff;

7. establishes a task force to study the feasibility of permitting a sexual assault victim who is not a 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").

*House Amendment "A" (1) eliminates a provision in the underlying bill that permitted a restraining order to require the person being restrained to provide temporary financial assistance to the applicant, and instead requires the chief court administrator to develop a plan to make such relief available in restraining orders; (2) removes the provisions that require assessments of the effectiveness of family violence and intervention programs provided by the Department of Correction (DOC) and the Judicial Branch's Court Support Services Division (CSSD); (3) makes the requirement to provide a separate waiting area for victims in a courthouse conditional on whether such a room is available and its use practical; and (4) makes technical changes.

EFFECTIVE DATE: October 1, 2013, except (1) the provision on victims' waiting areas in courthouses is effective July 1, 2013, and (2) the sections on the development of the temporary financial support plan, the family violence training program assessment, and the feasibility study are effective upon passage.

§§ 17 & 18 — 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 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 commissioner (see BACKGROUND).

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 people 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 the 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.

§§ 1 & 2 — 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.

§ 16 — 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 room for family violence crimes victims and their advocates, if such a room is available and its use practical. The room

must be separate from (1) any area that accommodates respondents, defendants, their families, friends, attorneys, or witnesses and (2) the prosecutor's office.

§ 4 — TERMINATION OF RENTAL AGREEMENT BECAUSE OF SEXUAL ASSAULT

The bill extends to sexual assault victims the right currently possessed by those victimized by family violence crimes, 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.

The bill 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.

§ 19 — TEMPORARY FINANCIAL SUPPORT RELIEF PLAN

The bill requires the chief court administrator, in consultation with state agencies, private organizations, and advocates who have experience filing restraining orders or advocates for or providing services to domestic violence victims, to develop a plan to make temporary financial support part of the relief available to a person who applies for a restraining order. The plan must include:

1. an assessment of best practices in other states related to

temporary financial support;

2. recommended procedures for determining the (a) assets available to an applicant and respondent, (b) respondent's ability to pay, and (c) amount necessary to maintain the applicant's safety and basic needs, if the respondent has a duty to support the applicant or the respondent's dependent children;
3. recommended procedures for collecting temporary financial support owed by a respondent;
4. strategies for establishing the court procedures needed to include temporary financial support in court orders;
5. an assessment of the feasibility of making temporary financial support available to people eligible to apply for restraining orders as family or household members, but for whom the respondent is not obligated to provide support; and
6. recommendations for legislation and implementation.

The plan must be submitted to the House Speaker's Task Force on Domestic Violence and the Judiciary Committee by January 15, 2014.

§ 20 — ASSESSMENT OF TRAINING PROGRAMS FOR JUDGES AND JUDICIAL BRANCH STAFF

The bill 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 Connecticut's programs with those in other northeastern states; and (3) submit a report on her assessment to the Judiciary Committee by December 31, 2013.

§ 21 — 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 subjected 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 Connecticut 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 task force's 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.

§ 3 — 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 ongoing 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.

§ 15 — 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 representative of such providers. 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.

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).

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)

Appropriations Committee

Joint Favorable

Yea 40 Nay 0 (05/16/2013)