



# OLR RESEARCH REPORT

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## CRIME VICTIMS

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This report summarizes how Connecticut law defines the term “crime victim.”

### SUMMARY

Crime victims are provided certain rights under Connecticut law. In criminal proceedings, the state constitution grants a crime victim a number of rights including notifications, attendance at court proceedings, restitution, and access to certain information. The term “crime victim” is, however, not defined under the state constitution but is left instead to be defined by the legislature.

The statutes contain at least seven different definitions of the term “crime victim.” But these definitions can be grouped into two categories based on their similarities. Definitions in the first category are based on the general definition of a “crime victim” that is used throughout the statutes unless another definition applies. Two other statutory definitions expand upon this definition in different ways to allow additional people to receive certain notices and provide certain testimony. Definitions in the second category are based on the definition of “victim” for purposes of services provided by the Judicial Branch’s Office of Victim Services (OVS). Three other statutory definitions expand upon this definition in different ways to make additional people eligible to receive certain notices, compensation, and restitution services. Below we describe the definitions within these two categories.

## **CONNECTICUT CONSTITUTION**

In criminal prosecutions the state constitution grants crime victims, as defined by the general assembly, the right to:

1. be treated with fairness and respect throughout the criminal justice process;
2. timely disposition of the case following arrest of the accused, provided no right of the accused is abridged;
3. be reasonably protected from the accused throughout the criminal justice process;
4. notification of court proceedings;
5. attend the trial and all other court proceedings the accused has the right to attend, unless the victim is to testify and the court determines that the testimony would be materially affected by hearing other testimony;
6. communicate with the prosecution;
7. object to or support any plea agreement entered into by the accused and the prosecution and make a statement to the court prior to the acceptance of the guilty plea or nolo contendere by the accused;
8. make a statement to the court at sentencing;
9. restitution, which must be enforceable as with any other cause of action or as otherwise provided by law; and
10. information about the accused's arrest, conviction, sentence, imprisonment, and release (Connecticut Constitution, Article First, § 8(b)).

## **CONNECTICUT STATUTES**

The statutes contain at least seven different definitions of the term "crime victim." But these definitions can be grouped into two categories based on their similarities. Definitions in the first category are based on the general definition of a "crime victim" that is used throughout the statutes unless another definition applies. Two other statutory definitions expand upon this definition in different ways to allow

additional people to receive certain notices and provide certain testimony. Definitions in the second category are based on the definition of “victim” for purposes of services provided by the Judicial Branch’s Office of Victim Services (OVS). Three other statutory definitions expand upon this definition in different ways to make additional people eligible to receive certain notices, compensation, and restitution services. Below we describe the definitions within these two categories.

### ***General Definition and its Variations***

Under the general definition, a “crime victim” is an individual who suffers direct or threatened physical, emotional, or financial harm as a result of a crime and includes:

1. immediate family members of a minor, incompetent individual, or homicide victim and
2. a homicide victim’s designated decision maker (see [CGS § 1-56r](#)).

The general definition applies (1) specifically to provisions related to a peace officer’s duty to render assistance and refer crime victim to OVS ([CGS § 54-222a](#)) and (2) throughout the statutes unless another definition applies ([CGS § 1-1k](#)).

Table 1 shows that the general definition is broadened when used in provisions related to (1) victim notification of judicial proceedings by the state’s attorneys and (2) a victim’s testimony at a Board of Pardons and Paroles pardons session. For these purposes, the general definition includes the (1) legal representative of the harmed individual and (2) immediate family members of all deceased victims, not just those of homicide victims ([CGS §§ 51-286e & 54-130d](#)).

Table 1 also shows that the general definition is broadened even further to include the designated decision maker of all deceased victims, not just those of homicide victims, when the provisions relate to victim testimony:

1. prior to acceptance of plea agreement,
2. at a sentencing hearing, and
3. at a parole hearing ([CGS §§ 54-91c & 54-126a](#)).

## ***Victim Services Definition and its Variations***

The Judicial Branch's OVS provides certain services to crime victims. For purposes of these services, the term "crime victim" generally means a person who is injured or killed as a result of:

1. an attempt to prevent a crime or apprehend a suspect, or aiding or attempting to aid a police officer to apprehend a suspect;
2. another person's commission or attempt to commit a crime (specific provisions apply to certain motor vehicle violations, risk of injury to a child, and sex offenses); or
3. any federal crime involving international terrorism ([CGS § 54-201\(1\)](#)).

This definition is expanded in different ways for certain purposes, as described below and in Table 1.

***Notifications.*** For purposes of notifications related to offender applications for release or other relief, scheduled release dates, and certain sex offender releases, "crime victim" also includes the (1) legal representative of the harmed individual and (2) immediate family members of a deceased victim ([CGS §§ 18-81e & 54-226](#)).

***Compensation.*** Under Connecticut law, OVS administers a crime victim compensation program that assists eligible crime victims recover from the financial impact of certain crime-related losses. For victim compensation purposes, all people who meet the victim services definition of "crime victim" are eligible. Other people eligible for victim compensation include:

1. anyone who (a) has suffered pecuniary loss as a result of a victim's personal injury and (b) is responsible for the maintenance of the victim;
2. the deceased victim's dependent, including any dependent child of a homicide victim who was killed by the other parent; and
3. anyone who suffered pecuniary loss, including funeral expenses, as a result of the victim's death ([CGS § 54-208](#)).

**Restitution.** By law, OVS or a victim compensation commissioner may order restitution services for crime victims. This includes medical, psychiatric, psychological, social, and social rehabilitation services. Under the law, all people who meet the victim services definition of “crime victim” are eligible for restitution services. Other eligible individuals include:

1. family members of child abuse, sexual assault, domestic violence, and homicide victims and
2. children who witness domestic violence, including children who are not related to the victim ([CGS § 54-216](#)).

**Table 1: Definitions of “Crime Victim”**

Purpose	Applies to “victim” defined as:
<b>General Definition and Variations</b>	
Applicable (1) throughout statutes unless another definition applies ( <a href="#">CGS § 1-1k</a> ) and (2) specifically to a peace officer’s duty to render assistance and refer crime victim to OVS ( <a href="#">CGS § 54-222a</a> )	An individual who suffers direct or threatened physical, emotional, or financial harm as a result of a crime and includes: <ul style="list-style-type: none"> <li>• immediate family members of a minor, incompetent individual, or homicide victim and</li> <li>• a homicide victim’s designated decision maker (see <a href="#">CGS § 1-56r</a>).</li> </ul>
Victim notification of judicial proceedings by state’s attorneys ( <a href="#">CGS § 51-286e</a> )	All those covered by the general definition of “victim” described above plus: <ul style="list-style-type: none"> <li>• the victim’s legal representative or</li> <li>• a member of a deceased victim’s immediate family.</li> </ul>
Testimony of victim at a Board of Pardons and Paroles pardons session ( <a href="#">CGS § 54-130d</a> )	All those covered by the general definition of “victim” described above plus: <ul style="list-style-type: none"> <li>• the victim’s legal representative or</li> <li>• a member of a deceased victim’s immediate family.</li> </ul>
Testimony of victim (1) before acceptance of plea agreement, (2) at sentencing hearing, and (3) at parole hearing ( <a href="#">CGS §§ 54-91c &amp; 54-126a</a> )	All those covered by the general definition of “victim” described above plus: <ul style="list-style-type: none"> <li>• the victim’s legal representative,</li> <li>• a member of a deceased victim’s immediate family, or</li> <li>• a person designated by a deceased victim for decision making (see <a href="#">CGS § 1-56r</a>).</li> </ul>
<b>Victim Services Definition and Variations</b>	
Applicable generally to victim services provided by OVS and for certain other purposes ( <a href="#">CGS § 54-201(1)</a> )	An individual who is injured or killed as a result of: <ul style="list-style-type: none"> <li>• an attempt to prevent a crime or apprehend a suspect, or aiding or attempting to aid a police officer to apprehend a suspect;</li> <li>• another person’s commission or attempt to commit a crime (specific provisions apply to certain motor vehicle violations, risk of injury to a child, and sex offenses); or</li> <li>• any federal crime involving international terrorism.</li> </ul> “Personal injury” means (1) actual bodily harm and mental anguish which is the direct result of bodily injury including pregnancy and any related condition or (2) injury to a guide dog or assistance dog owned or kept by a blind or disabled person ( <a href="#">CGS § 54-201(2)</a> ).
Notification of offender applications for release or other relief, scheduled release dates, and certain sex offender releases ( <a href="#">CGS §§ 18-81e &amp; 54-226</a> )	All those described under the definition of “victim” for purposes of victim services above plus: <ul style="list-style-type: none"> <li>• the victim’s legal representative or</li> <li>• a member of a deceased victim’s immediate family.</li> </ul>

**Table 1 (continued)**

<b>Purpose</b>	<b>Applies to "victim" defined as:</b>
<p>Victim compensation from OVS or a victim compensation commissioner (<a href="#">CGS § 54-208</a>)</p>	<p>All those described under the definition of "victim" for purposes of victim services above plus other eligible people, including:</p> <ul style="list-style-type: none"> <li>• anyone who (1) has suffered pecuniary loss as a result of a victim's personal injury and (2) is responsible for the victim's maintenance;</li> <li>• the "dependents" of a deceased victim, including any dependent child of a homicide victim who was killed by the other parent; or</li> <li>• anyone who suffered pecuniary loss, including funeral expenses, as a result of the victim's death.</li> </ul> <p>"Dependent" means any relative of a deceased victim or a deceased victim's decision maker who was wholly or partially dependent upon the victim's income at the time of the victim's death or the child of a deceased victim, including the child of such victim born after his or her death (<a href="#">CGS § 54-201(3)</a>).</p> <p>"Relative" means a person's spouse, parent, grandparent, stepparent, child, grandchild, brother, sister, half-brother, half-sister, or a parent of a person's spouse (<a href="#">CGS § 54-201(4)</a>).</p>
<p>Victim restitution services ordered by OVS or a victim compensation commissioner (<a href="#">CGS § 54-216</a>)</p>	<p>All those described under the definition of "victim" for purposes of victim services above plus other eligible people, including:</p> <ul style="list-style-type: none"> <li>• family members of child abuse victims;</li> <li>• family members of sexual assault victims;</li> <li>• family members of domestic violence victims;</li> <li>• family members of homicide victims; or</li> <li>• children who witness domestic violence, including, children who are not related to the victim.</li> </ul> <p>"Members of the family" or "members of their families" do not include the person responsible for such child abuse, sexual assault, domestic violence, or homicide.</p>

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