



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 3, 2014

Good day Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised House Bill No. 5341, *An Act Concerning the Designation of a Person Convicted of Criminal Violation of a Standing Criminal Protective Order as a Persistent Offender.*

The Office of the Victim Advocate (OVA) introduces and supports today's proposal to correct an oversight in the language of Connecticut's Persistent Offender Statute (C.G.S. § 53a-40d).

Connecticut General Statutes § 53a-40d relates to persistent offenders of stalking, threatening, and harassment-related crimes. Additionally, under C.G.S. § 53a-40d, a persistent offender of crimes involving criminal violation of a protective order or criminal violation of a restraining order must be sentenced pursuant to the "next more serious degree of misdemeanor or felony." This section does not extend to persistent offenders of crimes involving **criminal violations of a standing criminal protective order** – an error that today's proposal seeks to rectify.

To understand the significance of this omission, it is important to understand the differences between a protective order, restraining order, and standing criminal protective order. **A protective order is issued by the criminal court** to protect a victim from threats, harassment, or injury. It can be issued when a defendant has been arrested for family violence, stalking, harassment, risk of injury, or sexual assault offenses and may order the defendant to refrain from threatening, harassing, restraining, assaulting, molesting, or sexually assaulting the victim. It can also prohibit the defendant from entering the family dwelling or victim's dwelling. A protective order can be issued at any time during the pending criminal proceeding, but it is **typically issued at arraignment**. It may remain in effect until the disposition of the criminal case.

A restraining order is similar to a protective order except that it is **issued in civil court**. A family or household member alleging a continuous threat of present physical pain or physical

injury, stalking, or a pattern of threatening by a family or household member may petition the civil court for a restraining order. The judge may impose the same protections as a criminal protective order, and the order can remain in effect for up to one year.

A standing criminal protective order is similar to a protective order except that it is **issued by the criminal court** after considering the history and nature of the circumstances of the defendant's criminal conduct **when the defendant has been convicted** of certain offenses against a household or family member. The standing criminal protective order is usually issued at the time of sentence but it can be issued following the sentencing hearing. A standing criminal protective order is sometimes referred to as a "lifetime order" as it typically is issued for a lengthy duration of time in severe cases.

A defendant can be charged with violating a protective order, restraining order, or standing protective pursuant to C.G.S. §§ 53a-223, 53a-223b, and 53a-223a respectively, which are class D felonies.

As the persistent offender statute for stalking, threatening, and harassment-related offenders is intended to protect victims and hold accountable offenders who demonstrate non-compliance with court orders, it makes sense to include the offense of criminal violation of a standing criminal protective order to the list of offenses under C.G.S. § 53a-40d. Raised House Bill No. 5341 would offer such protection.

Finally, Public Act 10-144 substituted the language of "standing criminal restraining order" to "standing criminal protective order" effective October 1, 2012. To ensure that offenders are eligible for persistent offender status for violation of standing criminal restraining orders, the OVA respectfully requests that the proposal be amended as follows:

On line 24, before the word "criminal" insert the following language: "criminal violation of a standing criminal restraining order under the provisions of section 53a-223a in effect prior to October 1, 2012,"

For these reasons, the OVA introduces and supports Raised House Bill No. 5341, with an amendment, and urges this Committee's approval. Thank you again for your time and consideration of my testimony.

With gratitude,



Garvin G. Ambrose, Esq.
State Victim Advocate