



General Assembly

Amendment

February Session, 2014

LCO No. 5496

HB0559305496HDO

Offered by:

REP. FOX, 146th Dist.
REP. FLEXER, 44th Dist.
REP. FLEISCHMANN, 18th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. KISSEL, 7th Dist.

To: Subst. House Bill No. 5593

File No. 636

Cal. No. 406

"AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46b-38h of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2014*):

5 If any person is convicted of a violation of section 53a-59, 53a-59a,
6 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-
7 64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, 53a-70b, as amended by this
8 act, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-181, 53a-181c, 53a-181d, 53a-
9 181e, 53a-182, 53a-182b, as amended by this act, 53a-183, 53a-223, 53a-
10 223a or 53a-223b, against a family or household member, as defined in
11 section 46b-38a, the court shall include a designation that such

12 conviction involved family violence on the court record for the
13 purposes of criminal history record information, as defined in
14 subsection (a) of section 54-142g.

15 Sec. 2. Subsections (a) and (b) of section 53a-182b of the general
16 statutes are repealed and the following is substituted in lieu thereof
17 (*Effective October 1, 2014*):

18 (a) A person is guilty of harassment in the first degree when, with
19 the intent to harass, annoy, alarm or terrorize another person, he
20 threatens to kill or physically injure that person or any other person,
21 and communicates such threat by telephone, or by telegraph, mail,
22 computer network, as defined in section 53a-250, or any other form of
23 written communication, in a manner likely to cause annoyance or
24 alarm and has been convicted of a capital felony under the provisions
25 of section 53a-54b in effect prior to April 25, 2012, a class A felony, a
26 class B felony, except a conviction under section 53a-86 or 53a-122, a
27 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
28 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
29 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For
30 the purposes of this section, "convicted" means having a judgment of
31 conviction entered by a court of competent jurisdiction.

32 (b) For the purposes of this section, such offense may be deemed to
33 have been committed either at the place where the [telephone call was
34 made or] communication originated or at the place where it was
35 received.

36 Sec. 3. Subsections (a) and (b) of section 10-222d of the general
37 statutes are repealed and the following is substituted in lieu thereof
38 (*Effective October 1, 2014*):

39 (a) As used in this section, sections 10-222g to 10-222i, inclusive, and
40 section 10-222k:

41 (1) "Bullying" means (A) the repeated use by one or more students
42 of a written, oral or electronic communication, such as cyberbullying,

43 directed at or referring to another student attending school in the same
44 school district, or (B) a physical act or gesture by one or more students
45 repeatedly directed at another student attending school in the same
46 school district, that: (i) Causes physical or emotional harm to such
47 student or damage to such student's property, (ii) places such student
48 in reasonable fear of harm to himself or herself, or of damage to his or
49 her property, (iii) creates a hostile environment at school for such
50 student, (iv) infringes on the rights of such student at school, or (v)
51 substantially disrupts the education process or the orderly operation of
52 a school. "Bullying" shall include, but not be limited to, a written, oral
53 or electronic communication or physical act or gesture based on any
54 actual or perceived differentiating characteristic, such as race, color,
55 religion, ancestry, national origin, gender, sexual orientation, gender
56 identity or expression, socioeconomic status, academic status, physical
57 appearance, or mental, physical, developmental or sensory disability,
58 or by association with an individual or group who has or is perceived
59 to have one or more of such characteristics;

60 (2) "Cyberbullying" means any act of bullying through the use of the
61 Internet, interactive and digital technologies, cellular mobile telephone
62 or other mobile electronic devices or any electronic communications;

63 (3) "Teen dating violence" means any act of physical, emotional or
64 sexual abuse, including stalking, harassing and threatening, that
65 occurs between two students who are currently in or who have
66 recently been in a dating relationship;

67 [(3)] (4) "Mobile electronic device" means any hand-held or other
68 portable electronic equipment capable of providing data
69 communication between two or more individuals, including, but not
70 limited to, a text messaging device, a paging device, a personal digital
71 assistant, a laptop computer, equipment that is capable of playing a
72 video game or a digital video disk, or equipment on which digital
73 images are taken or transmitted;

74 [(4)] (5) "Electronic communication" means any transfer of signs,

75 signals, writing, images, sounds, data or intelligence of any nature
76 transmitted in whole or in part by a wire, radio, electromagnetic,
77 photoelectronic or photo-optical system;

78 [(5)] (6) "Hostile environment" means a situation in which bullying
79 among students is sufficiently severe or pervasive to alter the
80 conditions of the school climate;

81 [(6)] (7) "Outside of the school setting" means at a location, activity
82 or program that is not school related, or through the use of an
83 electronic device or a mobile electronic device that is not owned,
84 leased or used by a local or regional board of education;

85 [(7)] (8) "School employee" means (A) a teacher, substitute teacher,
86 school administrator, school superintendent, guidance counselor,
87 psychologist, social worker, nurse, physician, school paraprofessional
88 or coach employed by a local or regional board of education or
89 working in a public elementary, middle or high school; or (B) any
90 other individual who, in the performance of his or her duties, has
91 regular contact with students and who provides services to or on
92 behalf of students enrolled in a public elementary, middle or high
93 school, pursuant to a contract with the local or regional board of
94 education; and

95 [(8)] (9) "School climate" means the quality and character of school
96 life with a particular focus on the quality of the relationships within
97 the school community between and among students and adults.

98 (b) Each local and regional board of education shall develop and
99 implement a safe school climate plan to address the existence of
100 bullying and teen dating violence in its schools. Such plan shall: (1)
101 Enable students to anonymously report acts of bullying to school
102 employees and require students and the parents or guardians of
103 students to be notified annually of the process by which students may
104 make such reports, (2) enable the parents or guardians of students to
105 file written reports of suspected bullying, (3) require school employees

106 who witness acts of bullying or receive reports of bullying to orally
107 notify the safe school climate specialist, described in section 10-222k, or
108 another school administrator if the safe school climate specialist is
109 unavailable, not later than one school day after such school employee
110 witnesses or receives a report of bullying, and to file a written report
111 not later than two school days after making such oral report, (4)
112 require the safe school climate specialist to investigate or supervise the
113 investigation of all reports of bullying and ensure that such
114 investigation is completed promptly after receipt of any written
115 reports made under this section, (5) require the safe school climate
116 specialist to review any anonymous reports, except that no disciplinary
117 action shall be taken solely on the basis of an anonymous report, (6)
118 include a prevention and intervention strategy, as defined by section
119 10-222g, for school employees to deal with bullying and teen dating
120 violence, (7) provide for the inclusion of language in student codes of
121 conduct concerning bullying, (8) require each school to notify the
122 parents or guardians of students who commit any verified acts of
123 bullying and the parents or guardians of students against whom such
124 acts were directed not later than forty-eight hours after the completion
125 of the investigation described in subdivision (4) of this subsection, (9)
126 require each school to invite the parents or guardians of a student who
127 commits any verified act of bullying and the parents or guardians of
128 the student against whom such act was directed to a meeting to
129 communicate to such parents or guardians the measures being taken
130 by the school to ensure the safety of the student against whom such act
131 was directed and to prevent further acts of bullying, (10) establish a
132 procedure for each school to document and maintain records relating
133 to reports and investigations of bullying in such school and to
134 maintain a list of the number of verified acts of bullying in such school
135 and make such list available for public inspection, and annually report
136 such number to the Department of Education, and in such manner as
137 prescribed by the Commissioner of Education, (11) direct the
138 development of case-by-case interventions for addressing repeated
139 incidents of bullying against a single individual or recurrently
140 perpetrated bullying incidents by the same individual that may

141 include both counseling and discipline, (12) prohibit discrimination
142 and retaliation against an individual who reports or assists in the
143 investigation of an act of bullying, (13) direct the development of
144 student safety support plans for students against whom an act of
145 bullying was directed that address safety measures the school will take
146 to protect such students against further acts of bullying, (14) require
147 the principal of a school, or the principal's designee, to notify the
148 appropriate local law enforcement agency when such principal, or the
149 principal's designee, believes that any acts of bullying constitute
150 criminal conduct, (15) prohibit bullying (A) on school grounds, at a
151 school-sponsored or school-related activity, function or program
152 whether on or off school grounds, at a school bus stop, on a school bus
153 or other vehicle owned, leased or used by a local or regional board of
154 education, or through the use of an electronic device or an electronic
155 mobile device owned, leased or used by the local or regional board of
156 education, and (B) outside of the school setting if such bullying (i)
157 creates a hostile environment at school for the student against whom
158 such bullying was directed, (ii) infringes on the rights of the student
159 against whom such bullying was directed at school, or (iii)
160 substantially disrupts the education process or the orderly operation of
161 a school, (16) require, at the beginning of each school year, each school
162 to provide all school employees with a written or electronic copy of the
163 school district's safe school climate plan, and (17) require that all
164 school employees annually complete the training described in section
165 10-220a or section 10-222j. The notification required pursuant to
166 subdivision (8) of this subsection and the invitation required pursuant
167 to subdivision (9) of this subsection shall include a description of the
168 response of school employees to such acts and any consequences that
169 may result from the commission of further acts of bullying.

170 Sec. 4. Section 10-222g of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2014*):

172 For the purposes of section 10-222d, the term "prevention and
173 intervention strategy" may include, but is not limited to, (1)

174 implementation of a positive behavioral interventions and supports
175 process or another evidence-based model approach for safe school
176 climate or for the prevention of bullying and teen dating violence
177 identified by the Department of Education, (2) school rules prohibiting
178 bullying, teen dating violence, harassment and intimidation and
179 establishing appropriate consequences for those who engage in such
180 acts, (3) adequate adult supervision of outdoor areas, hallways, the
181 lunchroom and other specific areas where bullying or teen dating
182 violence is likely to occur, (4) inclusion of grade-appropriate bullying
183 and teen dating violence education and prevention curricula in
184 kindergarten through high school, (5) individual interventions with
185 the bully, parents and school employees, and interventions with the
186 bullied child, parents and school employees, (6) school-wide training
187 related to safe school climate, (7) student peer training, education and
188 support, and (8) promotion of parent involvement in bullying
189 prevention through individual or team participation in meetings,
190 trainings and individual interventions.

191 Sec. 5. Section 10-222i of the general statutes is repealed and the
192 following is substituted in lieu thereof (*Effective October 1, 2014*):

193 (a) The Department of Education, in consultation with the State
194 Education Resource Center, the Governor's Prevention Partnership,
195 [and] the Commission on Children and the Connecticut Coalition
196 Against Domestic Violence, shall establish, within available
197 appropriations, a state-wide safe school climate resource network for
198 the identification, prevention and education of school bullying and
199 teen dating violence in the state. Such state-wide safe school climate
200 resource network shall make available to all schools information,
201 training opportunities and resource materials to improve the school
202 climate to diminish bullying and teen dating violence.

203 (b) The department may seek federal, state and municipal funding
204 and may accept private donations for the administration of the state-
205 wide safe school climate resource network.

206 Sec. 6. Section 10-222j of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective October 1, 2014*):

208 The Department of Education shall provide, within available
209 appropriations, annual training to school employees, as defined in
210 section 10-222d, except those school employees who hold [the initial
211 educator, provisional educator or professional educator certificate]
212 professional certification pursuant to section 10-145b unless such
213 school employee who holds professional certification is the district safe
214 school climate coordinator, the safe school climate specialist or a
215 member of the safe school climate committee, as described in section
216 10-222k, on the prevention, identification and response to school
217 bullying and teen dating violence, as defined in section 10-222d, and
218 the prevention of and response to youth suicide. Such training may
219 include, but not be limited to, (1) developmentally appropriate
220 strategies to prevent bullying and teen dating violence among students
221 in school and outside of the school setting, (2) developmentally
222 appropriate strategies for immediate and effective interventions to
223 stop bullying and teen dating violence, (3) information regarding the
224 interaction and relationship between students committing acts of
225 bullying and teen dating violence, students against whom such acts of
226 bullying and teen dating violence are directed and witnesses of such
227 acts of bullying and teen dating violence, (4) research findings on
228 bullying and teen dating violence, such as information about the types
229 of students who have been shown to be at-risk for bullying and teen
230 dating violence in the school setting, (5) information on the incidence
231 and nature of cyberbullying, as defined in section 10-222d, (6) Internet
232 safety issues as they relate to cyberbullying, or (7) information on the
233 incidence of youth suicide, methods of identifying youths at risk of
234 suicide and developmentally appropriate strategies for effective
235 interventions to prevent youth suicide. Such training may be presented
236 in person by mentors, offered in state-wide workshops or through on-
237 line courses.

238 Sec. 7. Section 10-222l of the general statutes is repealed and the

239 following is substituted in lieu thereof (*Effective October 1, 2014*):

240 (a) No claim for damages shall be made against a school employee,
241 as defined in section 10-222d, who reports, investigates and responds
242 to bullying or teen dating violence, as defined in [said] section 10-222d,
243 in accordance with the provisions of the safe school climate plan,
244 described in [said] section 10-222d, if such school employee was acting
245 in good faith in the discharge of his or her duties or within the scope of
246 his or her employment. The immunity provided in this subsection does
247 not apply to acts or omissions constituting gross, reckless, wilful or
248 wanton misconduct.

249 (b) No claim for damages shall be made against a student, parent or
250 guardian of a student or any other individual who reports an act of
251 bullying or teen dating violence to a school employee, in accordance
252 with the provisions of the safe school climate plan described in [said]
253 section 10-222d, if such individual was acting in good faith. The
254 immunity provided in this subsection does not apply to acts or
255 omissions constituting gross, reckless, wilful or wanton misconduct.

256 (c) No claim for damages shall be made against a local or regional
257 board of education that implements the safe school climate plan,
258 described in section 10-222d, and reports, investigates and responds to
259 bullying or teen dating violence, as defined in [said] section 10-222d, if
260 such local or regional board of education was acting in good faith in
261 the discharge of its duties. The immunity provided in this subsection
262 does not apply to acts or omissions constituting gross, reckless, wilful
263 or wanton misconduct.

264 Sec. 8. Subsection (a) of section 53a-40e of the general statutes is
265 repealed and the following is substituted in lieu thereof (*Effective*
266 *January 1, 2015*):

267 (a) If any person is convicted of (1) a violation of subdivision (1) or
268 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
269 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, as amended by this

270 act, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-
271 181e, 53a-182b, as amended by this act, 53a-183, 53a-223, 53a-223a or
272 53a-223b or attempt or conspiracy to violate any of said sections or
273 section 53a-54a, [against a family or household member, as defined in
274 section 46b-38a,] or (2) any crime that the court determines constitutes
275 a family violence crime, as defined in section 46b-38a, or attempt or
276 conspiracy to commit any such crime, the court may, in addition to
277 imposing the sentence authorized for the crime under section 53a-35a
278 or 53a-36, if the court is of the opinion that the history and character
279 and the nature and circumstances of the criminal conduct of such
280 offender indicate that a standing criminal protective order will best
281 serve the interest of the victim and the public, issue a standing criminal
282 protective order which shall remain in effect for a duration specified
283 by the court until modified or revoked by the court for good cause
284 shown. If any person is convicted of any crime [against a family or
285 household member, as defined in section 46b-38a, other than a crime]
286 not specified in subdivision (1) or (2) of this subsection, the court may,
287 for good cause shown, issue a standing criminal protective order
288 pursuant to this subsection.

289 Sec. 9. Section 53a-70b of the general statutes is repealed and the
290 following is substituted in lieu thereof (*Effective October 1, 2014*):

291 (a) For the purposes of this section:

292 (1) "Sexual intercourse" means vaginal intercourse, anal intercourse,
293 fellatio or cunnilingus between persons regardless of sex. Penetration,
294 however slight, is sufficient to complete vaginal intercourse, anal
295 intercourse or fellatio and does not require emission of semen.
296 Penetration may be committed by an object manipulated by the actor
297 into the genital or anal opening of the victim's body; and

298 (2) "Use of force" means: (A) Use of a dangerous instrument; or (B)
299 use of actual physical force or violence or superior physical strength
300 against the victim.

301 (b) No spouse or cohabitor shall compel the other spouse or
302 cohabitor to engage in sexual intercourse by the use of force against
303 such other spouse or cohabitor, or by the threat of the use of force
304 against such other spouse or cohabitor which reasonably causes such
305 other spouse or cohabitor to fear physical injury.

306 (c) Any person who violates any provision of this section shall be
307 guilty of a class B felony for which two years of the sentence imposed
308 may not be suspended or reduced by the court.

309 Sec. 10. Subsection (j) of section 46b-38c of the 2014 supplement to
310 the general statutes is repealed and the following is substituted in lieu
311 thereof (*Effective October 1, 2014*):

312 (j) The Judicial Department shall establish an ongoing training
313 program for judges, Court Support Services Division personnel,
314 guardians ad litem and clerks to inform them about the policies and
315 procedures of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and
316 54-1g, including, but not limited to, the function of the family violence
317 intervention units and the use of restraining and protective orders. The
318 Judicial Branch may consult with organizations that advocate on
319 behalf of victims of domestic violence in order to ensure that the
320 training includes information on the unique characteristics of family
321 violence crimes.

322 Sec. 11. (NEW) (*Effective October 1, 2014*) Any person who
323 maliciously publishes, disseminates or otherwise discloses the
324 confidential location of an emergency shelter operated by a domestic
325 violence agency, as defined in section 52-146k of the general statutes,
326 without written authorization from the domestic violence agency that
327 operates such emergency shelter to publish, disseminate or otherwise
328 disclose the location of such emergency shelter shall be guilty of a class
329 A misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	46b-38h
Sec. 2	<i>October 1, 2014</i>	53a-182b(a) and (b)
Sec. 3	<i>October 1, 2014</i>	10-222d(a) and (b)
Sec. 4	<i>October 1, 2014</i>	10-222g
Sec. 5	<i>October 1, 2014</i>	10-222i
Sec. 6	<i>October 1, 2014</i>	10-222j
Sec. 7	<i>October 1, 2014</i>	10-222l
Sec. 8	<i>January 1, 2015</i>	53a-40e(a)
Sec. 9	<i>October 1, 2014</i>	53a-70b
Sec. 10	<i>October 1, 2014</i>	46b-38c(j)
Sec. 11	<i>October 1, 2014</i>	New section