



# House of Representatives

General Assembly

**File No. 636**

February Session, 2014

Substitute House Bill No. 5593

*House of Representatives, April 17, 2014*

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **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. Section 46b-15 of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2014*):

4 (a) Any family or household member, as defined in section 46b-38a,  
5 who has been subjected to a continuous threat of present physical pain  
6 or physical injury, stalking or a pattern of threatening, including, but  
7 not limited to, a pattern of threatening, as described in section 53a-62,  
8 by another family or household member may make an application to  
9 the Superior Court for relief under this section.

10 (b) The application form shall allow the applicant, at the applicant's  
11 option, to indicate whether the respondent holds a permit to carry a  
12 pistol or revolver or possesses one or more firearms or ammunition.  
13 The application shall be accompanied by an affidavit made under oath

14 which includes a brief statement of the conditions from which relief is  
15 sought. Upon receipt of the application the court shall order that a  
16 hearing on the application be held not later than fourteen days from  
17 the date of the order. The court, in its discretion, may make such  
18 orders as it deems appropriate for the protection of the applicant and  
19 such dependent children or other persons as the court sees fit. In  
20 making such orders, the court, in its discretion, may consider relevant  
21 court records if the records are available to the public from a clerk of  
22 the Superior Court or on the Judicial Branch's Internet web site. Such  
23 orders may include temporary child custody or visitation rights, and  
24 such relief may include, but is not limited to, an order enjoining the  
25 respondent from (1) imposing any restraint upon the person or liberty  
26 of the applicant; (2) threatening, harassing, assaulting, molesting,  
27 sexually assaulting or attacking the applicant; or (3) entering the family  
28 dwelling or the dwelling of the applicant. Such order may include  
29 provisions necessary to protect any animal owned or kept by the  
30 applicant including, but not limited to, an order enjoining the  
31 respondent from injuring or threatening to injure such animal. If an  
32 applicant alleges an immediate and present physical danger to the  
33 applicant, the court may issue an ex parte order granting such relief as  
34 it deems appropriate. If a postponement of a hearing on the  
35 application is requested by either party and granted, the ex parte order  
36 shall not be continued except upon agreement of the parties or by  
37 order of the court for good cause shown. If a hearing on the application  
38 is scheduled or an ex parte order is granted and the court is closed on  
39 the scheduled hearing date, the hearing shall be held on the next day  
40 the court is open and any such ex parte order shall remain in effect  
41 until the date of such hearing.

42 (c) Any ex parte restraining order entered under subsection (b) of  
43 this section in which the applicant and respondent are spouses, or  
44 persons who have a dependent child or children in common and who  
45 live together, may include, if no order exists, and if necessary to  
46 maintain the safety and basic needs of the applicant or the dependent  
47 child or children in common of the applicant and respondent, in  
48 addition to any orders authorized under subsection (b) of this section,

49 any of the following: (1) An order prohibiting the respondent from (A)  
50 taking any action that could result in the termination of any necessary  
51 utility services or necessary services related to the family dwelling or  
52 the dwelling of the applicant, (B) taking any action that could result in  
53 the cancellation, change of coverage or change of beneficiary of any  
54 health, automobile or homeowners insurance policy to the detriment  
55 of the applicant or the dependent child or children in common of the  
56 applicant and respondent, or (C) transferring, encumbering, concealing  
57 or disposing of specified property owned or leased by the applicant; or  
58 (2) an order providing the applicant with temporary possession of an  
59 automobile, checkbook, documentation of health, automobile or  
60 homeowners insurance, a document needed for purposes of proving  
61 identity, a key or other necessary specified personal effects.

62 (d) At the hearing on any application under this section, if the court  
63 grants relief pursuant to subsection (b) of this section and the applicant  
64 and respondent are spouses, or persons who have a dependent child or  
65 children in common and who live together, and if necessary to  
66 maintain the safety and basic needs of the applicant or the dependent  
67 child or children in common of the applicant and respondent, any  
68 orders entered by the court may include, in addition to the orders  
69 authorized under subsection (b) of this section, any of the following:  
70 (1) An order prohibiting the respondent from (A) taking any action  
71 that could result in the termination of any necessary utility services or  
72 services related to the family dwelling or the dwelling of the applicant,  
73 (B) taking any action that could result in the cancellation, change of  
74 coverage or change of beneficiary of any health, automobile or  
75 homeowners insurance policy to the detriment of the applicant or the  
76 dependent child or children in common of the applicant and  
77 respondent, or (C) transferring, encumbering, concealing or disposing  
78 of specified property owned or leased by the applicant; (2) an order  
79 providing the applicant with temporary possession of an automobile,  
80 checkbook, documentation of health, automobile or homeowners  
81 insurance, a document needed for purposes of proving identity, a key  
82 or other necessary specified personal effects; or (3) an order that the  
83 respondent: (A) Make rent or mortgage payments on the family

84 dwelling or the dwelling of the applicant and the dependent child or  
85 children in common of the applicant and respondent, (B) maintain  
86 utility services or other necessary services related to the family  
87 dwelling or the dwelling of the applicant and the dependent child or  
88 children in common of the applicant and respondent, (C) maintain all  
89 existing health, automobile or homeowners insurance coverage  
90 without change in coverage or beneficiary designation, or (D) provide  
91 financial support for the benefit of any dependent child or children in  
92 common of the applicant and the respondent, provided the respondent  
93 has a legal duty to support such child or children and the ability to  
94 pay. The court shall not enter any order of financial support without  
95 sufficient evidence as to the ability to pay, including, but not limited  
96 to, financial affidavits. If, at the hearing, no order is entered under this  
97 subsection or subsection (c) of this section, no such order may be  
98 entered thereafter pursuant to this section. Any order entered pursuant  
99 to this subsection shall not be subject to modification and shall expire  
100 one hundred twenty days after the date of issuance or upon issuance  
101 of a superseding order, whichever occurs first. Any amounts not paid  
102 or collected under this subsection or subsection (c) of this section may  
103 be preserved and collectible in an action for dissolution of marriage,  
104 custody, paternity or support.

105 [(c)] (e) Every order of the court made in accordance with this  
106 section shall contain the following language: (1) "This order may be  
107 extended by the court beyond one year. In accordance with section  
108 53a-107 of the Connecticut general statutes, entering or remaining in a  
109 building or any other premises in violation of this order constitutes  
110 criminal trespass in the first degree. This is a criminal offense  
111 punishable by a term of imprisonment of not more than one year, a  
112 fine of not more than two thousand dollars or both."; and (2) "In  
113 accordance with section 53a-223b of the Connecticut general statutes,  
114 any violation of subparagraph (A) or (B) of subdivision (2) of  
115 subsection (a) of section 53a-223b constitutes criminal violation of a  
116 restraining order which is punishable by a term of imprisonment of  
117 not more than five years, a fine of not more than five thousand dollars,  
118 or both. Additionally, any violation of subparagraph (C) or (D) of

119 subdivision (2) of subsection (a) of section 53a-223b constitutes  
120 criminal violation of a restraining order which is punishable by a term  
121 of imprisonment of not more than ten years, a fine of not more than ten  
122 thousand dollars, or both."

123 [(d)] (f) No order of the court shall exceed one year, except that an  
124 order may be extended by the court upon motion of the applicant for  
125 such additional time as the court deems necessary. If the respondent  
126 has not appeared upon the initial application, service of a motion to  
127 extend an order may be made by first-class mail directed to the  
128 respondent at the respondent's last-known address.

129 [(e)] (g) The applicant shall cause notice of the hearing pursuant to  
130 subsection (b) of this section and a copy of the application and the  
131 applicant's affidavit and of any ex parte order issued pursuant to  
132 subsection (b) of this section to be served on the respondent not less  
133 than five days before the hearing. The cost of such service shall be paid  
134 for by the Judicial Branch. Upon the granting of an ex parte order, the  
135 clerk of the court shall provide two copies of the order to the applicant.  
136 Upon the granting of an order after notice and hearing, the clerk of the  
137 court shall provide two copies of the order to the applicant and a copy  
138 to the respondent. Every order of the court made in accordance with  
139 this section after notice and hearing shall be accompanied by a  
140 notification that is consistent with the full faith and credit provisions  
141 set forth in 18 USC 2265(a), as amended from time to time.  
142 Immediately after making service on the respondent, the proper officer  
143 shall send or cause to be sent, by facsimile or other means, a copy of  
144 the application, or the information contained in such application,  
145 stating the date and time the respondent was served, to the law  
146 enforcement agency or agencies for the town in which the applicant  
147 resides, the town in which the applicant is employed and the town in  
148 which the respondent resides. The clerk of the court shall send, by  
149 facsimile or other means, a copy of any ex parte order and of any order  
150 after notice and hearing, or the information contained in any such  
151 order, to the law enforcement agency or agencies for the town in which  
152 the applicant resides, the town in which the applicant is employed and

153 the town in which the respondent resides, within forty-eight hours of  
154 the issuance of such order. If the victim is enrolled in a public or  
155 private elementary or secondary school, including a technical high  
156 school, or an institution of higher education, as defined in section 10a-  
157 55, the clerk of the court shall, upon the request of the victim, send, by  
158 facsimile or other means, a copy of such ex parte order or of any order  
159 after notice and hearing, or the information contained in any such  
160 order, to such school or institution of higher education, the president  
161 of any institution of higher education at which the victim is enrolled  
162 and the special police force established pursuant to section 10a-156b, if  
163 any, at the institution of higher education at which the victim is  
164 enrolled.

165 [(f)] (h) A caretaker who is providing shelter in his or her residence  
166 to a person sixty years or older shall not be enjoined from the full use  
167 and enjoyment of his or her home and property. The Superior Court  
168 may make any other appropriate order under the provisions of this  
169 section.

170 [(g)] (i) When a motion for contempt is filed for violation of a  
171 restraining order, there shall be an expedited hearing. Such hearing  
172 shall be held within five court days of service of the motion on the  
173 respondent, provided service on the respondent is made not less than  
174 twenty-four hours before the hearing. If the court finds the respondent  
175 in contempt for violation of an order, the court may impose such  
176 sanctions as the court deems appropriate.

177 [(h)] (j) An action under this section shall not preclude the applicant  
178 from seeking any other civil or criminal relief.

179 Sec. 2. (*Effective from passage*) (a) There is established a task force to  
180 study service of restraining orders issued pursuant to section 46b-15 of  
181 the general statutes, as amended by this act. Such study shall include,  
182 but not be limited to, an examination of: (1) Policies, procedures and  
183 regulations relating to the service of such restraining orders by state  
184 marshals, including any policies, procedures or regulations relating to  
185 the methods by which a state marshal is initially notified of the need to

186 effectuate service of a restraining order; (2) the length of time available  
187 to effectuate service of a restraining order; (3) the permissible methods  
188 of service; (4) the effectiveness of the respondent profile information  
189 sheet and marshal access to databases containing identifiable  
190 respondent information; (5) reimbursement rates for service of  
191 restraining orders, including an assessment of reimbursement rates  
192 used in other states; (6) best practices established by other states, if  
193 any, with respect to service of restraining orders; and (7) the feasibility  
194 of expanding which persons shall be authorized to serve restraining  
195 orders.

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

197 (1) Two appointed by the president pro tempore of the Senate, one  
198 of whom shall be a representative of the Connecticut Coalition Against  
199 Domestic Violence and one of whom shall be a representative of the  
200 office of the Chief State's Attorney;

201 (2) Two appointed by the speaker of the House of Representatives,  
202 one of whom shall be a representative of the Speaker's Task Force on  
203 Domestic Violence and one of whom shall be a victim of domestic  
204 violence;

205 (3) Two appointed by the majority leader of the Senate, one of  
206 whom shall be a representative of the State Marshal Commission and  
207 one of whom shall be an advocate for victims of domestic violence;

208 (4) Two appointed by the majority leader of the House of  
209 Representatives, one of whom shall be a representative of the state  
210 police force and one of whom shall be a state marshal;

211 (5) Two appointed by the minority leader of the Senate, one of  
212 whom shall be a representative of the Connecticut Police Chiefs  
213 Association and one of whom shall be a representative of the Office of  
214 the Chief Public Defender;

215 (6) Two appointed by the minority leader of the House of  
216 Representatives, one of whom shall be a representative of the legal aid

217 assistance programs in the state and one of whom shall be a state  
218 marshal;

219 (7) Two appointed by the Governor, one of whom shall be a  
220 representative of the Connecticut Police Chiefs Association and one of  
221 whom shall be a representative of the Office of the Victim Advocate;  
222 and

223 (8) Two appointed by the Chief Court Administrator, one of whom  
224 shall be a judge of the Superior Court assigned to hear civil matters  
225 and one of whom shall be an employee of the Judicial Branch whose  
226 duties concern the operations of the Superior Court.

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

230 (d) The speaker of the House of Representatives and the president  
231 pro tempore of the Senate shall select the chairpersons of the task force  
232 from among the members of the task force. Such chairpersons shall  
233 schedule the first meeting of the task force, which shall be held not  
234 later than sixty days after the effective date of this section.

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

238 (f) Not later than December 15, 2014, the task force shall submit a  
239 report on its findings and recommendations to the joint standing  
240 committee of the General Assembly having cognizance of matters  
241 relating to the judiciary, in accordance with the provisions of section  
242 11-4a of the general statutes. The task force shall terminate on the date  
243 that it submits such report or December 15, 2014, whichever is later.

244 Sec. 3. Section 53a-223 of the general statutes is repealed and the  
245 following is substituted in lieu thereof (*Effective October 1, 2014*):

246 (a) A person is guilty of criminal violation of a protective order

247 when an order issued pursuant to subsection (e) of section 46b-38c, as  
248 amended by this act, or section 54-1k, as amended by this act, or 54-  
249 82r, as amended by this act, has been issued against such person, and  
250 such person violates such order.

251 (b) No person who is listed as a protected person in such protective  
252 order may be criminally liable for (1) soliciting, requesting,  
253 commanding, importuning or intentionally aiding in the violation of  
254 the protective order pursuant to subsection (a) of section 53a-8, or (2)  
255 conspiracy to violate such protective order pursuant to section 53a-48.

256 (c) Criminal violation of a protective order is a class D felony, except  
257 that any violation of a protective order that involves (1) imposing any  
258 restraint upon the person or liberty of a person in violation of the  
259 protective order, or (2) threatening, harassing, assaulting, molesting,  
260 sexually assaulting or attacking a person in violation of the protective  
261 order is a class C felony.

262 Sec. 4. Section 53a-223a of the general statutes is repealed and the  
263 following is substituted in lieu thereof (*Effective October 1, 2014*):

264 (a) A person is guilty of criminal violation of a standing criminal  
265 protective order when an order issued pursuant to subsection (a) of  
266 section 53a-40e has been issued against such person, and such person  
267 violates such order.

268 (b) No person who is listed as a protected person in such standing  
269 criminal protective order may be criminally liable for (1) soliciting,  
270 requesting, commanding, importuning or intentionally aiding in the  
271 violation of the standing criminal protective order pursuant to  
272 subsection (a) of section 53a-8, or (2) conspiracy to violate such  
273 standing criminal protective order pursuant to section 53a-48.

274 (c) Criminal violation of a standing criminal protective order is a  
275 class D felony, except that any violation that involves (1) imposing any  
276 restraint upon the person or liberty of a person in violation of the  
277 standing criminal protective order, or (2) threatening, harassing,

278 assaulting, molesting, sexually assaulting or attacking a person in  
279 violation of the standing criminal protective order is a class C felony.

280 Sec. 5. Section 53a-223b of the general statutes is repealed and the  
281 following is substituted in lieu thereof (*Effective October 1, 2014*):

282 (a) A person is guilty of criminal violation of a restraining order  
283 when (1) (A) a restraining order has been issued against such person  
284 pursuant to section 46b-15, as amended by this act, or (B) a foreign  
285 order of protection, as defined in section 46b-15a, has been issued  
286 against such person in a case involving the use, attempted use or  
287 threatened use of physical force against another, and (2) such person,  
288 having knowledge of the terms of the order, (A) does not stay away  
289 from a person or place in violation of the order, (B) contacts a person in  
290 violation of the order, (C) imposes any restraint upon the person or  
291 liberty of a person in violation of the order, or (D) threatens, harasses,  
292 assaults, molests, sexually assaults or attacks a person in violation of  
293 the order.

294 (b) No person who is listed as a protected person in such restraining  
295 order or foreign order of protection may be criminally liable for (1)  
296 soliciting, requesting, commanding, importuning or intentionally  
297 aiding in the violation of the restraining order or foreign order of  
298 protection pursuant to subsection (a) of section 53a-8, or (2) conspiracy  
299 to violate such restraining order or foreign order of protection  
300 pursuant to section 53a-48.

301 (c) [Criminal] (1) Except as provided in subdivision (2) of this  
302 subsection, criminal violation of a restraining order is a class D felony.

303 (2) Criminal violation of a restraining order is a class C felony if the  
304 offense is a violation of subparagraph (C) or (D) of subdivision (2) of  
305 subsection (a) of this section.

306 Sec. 6. Subsection (e) of section 46b-38c of the 2014 supplement to  
307 the general statutes is repealed and the following is substituted in lieu  
308 thereof (*Effective October 1, 2014*):

309 (e) A protective order issued under this section may include  
310 provisions necessary to protect the victim from threats, harassment,  
311 injury or intimidation by the defendant, including, but not limited to,  
312 an order enjoining the defendant from (1) imposing any restraint upon  
313 the person or liberty of the victim, (2) threatening, harassing,  
314 assaulting, molesting or sexually assaulting the victim, or (3) entering  
315 the family dwelling or the dwelling of the victim. A protective order  
316 issued under this section may include provisions necessary to protect  
317 any animal owned or kept by the victim including, but not limited to,  
318 an order enjoining the defendant from injuring or threatening to injure  
319 such animal. Such order shall be made a condition of the bail or release  
320 of the defendant and shall contain the following notification: "In  
321 accordance with section 53a-223 of the Connecticut general statutes,  
322 any violation of this order constitutes criminal violation of a protective  
323 order which is punishable by a term of imprisonment of not more than  
324 [five] ten years, a fine of not more than [five] ten thousand dollars, or  
325 both. Additionally, in accordance with section 53a-107 of the  
326 Connecticut general statutes, entering or remaining in a building or  
327 any other premises in violation of this order constitutes criminal  
328 trespass in the first degree which is punishable by a term of  
329 imprisonment of not more than one year, a fine of not more than two  
330 thousand dollars, or both. Violation of this order also violates a  
331 condition of your bail or release, and may result in raising the amount  
332 of bail or revoking release." Every order of the court made in  
333 accordance with this section after notice and hearing shall be  
334 accompanied by a notification that is consistent with the full faith and  
335 credit provisions set forth in 18 USC 2265(a), as amended from time to  
336 time. The information contained in and concerning the issuance of any  
337 protective order issued under this section shall be entered in the  
338 registry of protective orders pursuant to section 51-5c.

339 Sec. 7. Subsection (b) of section 54-1k of the general statutes is  
340 repealed and the following is substituted in lieu thereof (*Effective*  
341 *October 1, 2014*):

342 (b) A protective order issued under this section may include

343 provisions necessary to protect the victim from threats, harassment,  
344 injury or intimidation by the defendant, including but not limited to,  
345 an order enjoining the defendant from (1) imposing any restraint upon  
346 the person or liberty of the victim, (2) threatening, harassing,  
347 assaulting, molesting or sexually assaulting the victim, or (3) entering  
348 the dwelling of the victim. A protective order issued under this section  
349 may include provisions necessary to protect any animal owned or kept  
350 by the victim including, but not limited to, an order enjoining the  
351 defendant from injuring or threatening to injure such animal. Such  
352 order shall be made a condition of the bail or release of the defendant  
353 and shall contain the following language: "In accordance with section  
354 53a-223 of the Connecticut general statutes, any violation of this order  
355 constitutes criminal violation of a protective order which is punishable  
356 by a term of imprisonment of not more than [five] ten years, a fine of  
357 not more than [five] ten thousand dollars, or both. Additionally, in  
358 accordance with section 53a-107 of the Connecticut general statutes,  
359 entering or remaining in a building or any other premises in violation  
360 of this order constitutes criminal trespass in the first degree which is  
361 punishable by a term of imprisonment of not more than one year, a  
362 fine of not more than two thousand dollars, or both. Violation of this  
363 order also violates a condition of your bail or release and may result in  
364 raising the amount of bail or revoking release."

365 Sec. 8. Subsection (b) of section 54-82r of the general statutes is  
366 repealed and the following is substituted in lieu thereof (*Effective*  
367 *October 1, 2014*):

368 (b) A protective order shall set forth the reasons for the issuance of  
369 such order, be specific in terms and describe in reasonable detail, and  
370 not by reference to the complaint or other document, the act or acts  
371 being restrained. A protective order issued under this section may  
372 include provisions necessary to protect the witness from threats,  
373 harassment, injury or intimidation by the adverse party including, but  
374 not limited to, enjoining the adverse party from (1) imposing any  
375 restraint upon the person or liberty of the witness, (2) threatening,  
376 harassing, assaulting, molesting or sexually assaulting the witness, or

377 (3) entering the dwelling of the witness. Such order shall contain the  
378 following language: "In accordance with section 53a-223 of the  
379 Connecticut general statutes, any violation of this order constitutes  
380 criminal violation of a protective order which is punishable by a term  
381 of imprisonment of not more than [five] ten years, a fine of not more  
382 than [five] ten thousand dollars, or both. Additionally, in accordance  
383 with section 53a-107 of the Connecticut general statutes, entering or  
384 remaining in a building or any other premises in violation of this order  
385 constitutes criminal trespass in the first degree which is punishable by  
386 a term of imprisonment of not more than one year, a fine of not more  
387 than two thousand dollars, or both." If the adverse party is the  
388 defendant in the criminal case, such order shall be made a condition of  
389 the bail or release of the defendant and shall also contain the following  
390 language: "Violation of this order also violates a condition of your bail  
391 or release and may result in raising the amount of bail or revoking  
392 release.".

393 Sec. 9. Section 53a-40e of the general statutes is repealed and the  
394 following is substituted in lieu thereof (*Effective October 1, 2014*):

395 (a) If any person is convicted of (1) a violation of subdivision (1) or  
396 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,  
397 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, as amended by this  
398 act, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-  
399 181e, 53a-182b, 53a-183, 53a-223, as amended by this act, 53a-223a,  
400 amended by this act, or 53a-223b, as amended by this act, or attempt or  
401 conspiracy to violate any of said sections or section 53a-54a, against a  
402 family or household member, as defined in section 46b-38a, or (2) any  
403 crime that the court determines constitutes a family violence crime, as  
404 defined in section 46b-38a, or attempt or conspiracy to commit any  
405 such crime, the court may, in addition to imposing the sentence  
406 authorized for the crime under section 53a-35a or 53a-36, if the court is  
407 of the opinion that the history and character and the nature and  
408 circumstances of the criminal conduct of such offender indicate that a  
409 standing criminal protective order will best serve the interest of the  
410 victim and the public, issue a standing criminal protective order which

411 shall remain in effect for a duration specified by the court until  
412 modified or revoked by the court for good cause shown. If any person  
413 is convicted of any crime against a family or household member, as  
414 defined in section 46b-38a, other than a crime specified in subdivision  
415 (1) or (2) of this subsection, the court may, for good cause shown, issue  
416 a standing criminal protective order pursuant to this subsection.

417 (b) Such standing criminal protective order may include, but need  
418 not be limited to, provisions enjoining the offender from (1) imposing  
419 any restraint upon the person or liberty of the victim; (2) threatening,  
420 harassing, assaulting, molesting, sexually assaulting or attacking the  
421 victim; or (3) entering the family dwelling or the dwelling of the  
422 victim.

423 (c) Such standing criminal protective order shall include the  
424 following notice: "In accordance with section 53a-223a of the  
425 Connecticut general statutes, violation of this order shall be punishable  
426 by a term of imprisonment of not less than one year nor more than  
427 [five] ten years, a fine of not more than [five] ten thousand dollars, or  
428 both."

429 (d) For the purposes of this section and any other provision of the  
430 general statutes, "standing criminal protective order" means (1) a  
431 standing criminal restraining order issued prior to October 1, 2010, or  
432 (2) a standing criminal protective order issued on or after October 1,  
433 2010.

434 Sec. 10. Subsection (b) of section 29-36n of the 2014 supplement to  
435 the general statutes is repealed and the following is substituted in lieu  
436 thereof (*Effective October 1, 2014*):

437 (b) The Commissioner of Emergency Services and Public Protection,  
438 in conjunction with the Chief State's Attorney and the Connecticut  
439 Police Chiefs Association, shall update the protocol developed  
440 pursuant to subsection (a) of this section to reflect the provisions of  
441 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections  
442 (b) and [(e)] (g) of section 46b-15, as amended by this act, subsections

443 (c) and (d) of section 46b-38c and sections 53-202a, 53-202l, 53-202m  
444 and 53a-217 and shall include in such protocol specific instructions for  
445 the transfer, delivery or surrender of pistols and revolvers and other  
446 firearms and ammunition when the assistance of more than one law  
447 enforcement agency is necessary to effect the requirements of section  
448 29-36k.

449 Sec. 11. Section 46b-38h of the general statutes is repealed and the  
450 following is substituted in lieu thereof (*Effective October 1, 2014*):

451 If any person is convicted of a violation of section 53a-59, 53a-59a,  
452 53a-59c, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-62, 53a-63, 53a-64, 53a-  
453 64aa, 53a-64bb, 53a-64cc, 53a-70, 53a-70a, 53a-70b, as amended by this  
454 act, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-181, 53a-181c, 53a-181d, 53a-  
455 181e, 53a-182, 53a-182b, as amended by this act, 53a-183, 53a-223, as  
456 amended by this act, 53a-223a, as amended by this act, or 53a-223b, as  
457 amended by this act, against a family or household member, as  
458 defined in section 46b-38a, the court shall include a designation that  
459 such conviction involved family violence on the court record for the  
460 purposes of criminal history record information, as defined in  
461 subsection (a) of section 54-142g.

462 Sec. 12. Subsections (a) and (b) of section 53a-182b of the general  
463 statutes are repealed and the following is substituted in lieu thereof  
464 (*Effective October 1, 2014*):

465 (a) A person is guilty of harassment in the first degree when, with  
466 the intent to harass, annoy, alarm or terrorize another person, he  
467 threatens to kill or physically injure that person or any other person,  
468 and communicates such threat by telephone, or by telegraph, mail,  
469 computer network, as defined in section 53a-250, or any other form of  
470 written communication, in a manner likely to cause annoyance or  
471 alarm and has been convicted of a capital felony under the provisions  
472 of section 53a-54b in effect prior to April 25, 2012, a class A felony, a  
473 class B felony, except a conviction under section 53a-86 or 53a-122, a  
474 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-  
475 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-

476 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For  
477 the purposes of this section, "convicted" means having a judgment of  
478 conviction entered by a court of competent jurisdiction.

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

483 Sec. 13. Section 10-222d of the general statutes is repealed and the  
484 following is substituted in lieu thereof (*Effective October 1, 2014*):

485 (a) As used in this section, sections 10-222g to 10-222i, inclusive, as  
486 amended by this act, and section 10-222k, as amended by this act:

487 (1) "Bullying" means (A) the repeated use by one or more students  
488 of a written, oral or electronic communication, such as cyberbullying,  
489 directed at or referring to another student attending school in the same  
490 school district, or (B) a physical act or gesture by one or more students  
491 repeatedly directed at another student attending school in the same  
492 school district, that: (i) Causes physical or emotional harm to such  
493 student or damage to such student's property, (ii) places such student  
494 in reasonable fear of harm to himself or herself, or of damage to his or  
495 her property, (iii) creates a hostile environment at school for such  
496 student, (iv) infringes on the rights of such student at school, or (v)  
497 substantially disrupts the education process or the orderly operation of  
498 a school. "Bullying" shall include, but not be limited to, a written, oral  
499 or electronic communication or physical act or gesture based on any  
500 actual or perceived differentiating characteristic, such as race, color,  
501 religion, ancestry, national origin, gender, sexual orientation, gender  
502 identity or expression, socioeconomic status, academic status, physical  
503 appearance, or mental, physical, developmental or sensory disability,  
504 or by association with an individual or group who has or is perceived  
505 to have one or more of such characteristics;

506 (2) "Cyberbullying" means any act of bullying through the use of the  
507 Internet, interactive and digital technologies, cellular mobile telephone

508 or other mobile electronic devices or any electronic communications;

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

513 [(3)] (4) "Mobile electronic device" means any hand-held or other  
514 portable electronic equipment capable of providing data  
515 communication between two or more individuals, including, but not  
516 limited to, a text messaging device, a paging device, a personal digital  
517 assistant, a laptop computer, equipment that is capable of playing a  
518 video game or a digital video disk, or equipment on which digital  
519 images are taken or transmitted;

520 [(4)] (5) "Electronic communication" means any transfer of signs,  
521 signals, writing, images, sounds, data or intelligence of any nature  
522 transmitted in whole or in part by a wire, radio, electromagnetic,  
523 photoelectronic or photo-optical system;

524 [(5)] (6) "Hostile environment" means a situation in which bullying  
525 or teen dating violence among students is sufficiently severe or  
526 pervasive to alter the conditions of the school climate;

527 [(6)] (7) "Outside of the school setting" means at a location, activity  
528 or program that is not school related, or through the use of an  
529 electronic device or a mobile electronic device that is not owned,  
530 leased or used by a local or regional board of education;

531 [(7)] (8) "School employee" means (A) a teacher, substitute teacher,  
532 school administrator, school superintendent, guidance counselor,  
533 psychologist, social worker, nurse, physician, school paraprofessional  
534 or coach employed by a local or regional board of education or  
535 working in a public elementary, middle or high school; or (B) any  
536 other individual who, in the performance of his or her duties, has  
537 regular contact with students and who provides services to or on  
538 behalf of students enrolled in a public elementary, middle or high

539 school, pursuant to a contract with the local or regional board of  
540 education; and

541 [(8)] (9) "School climate" means the quality and character of school  
542 life with a particular focus on the quality of the relationships within  
543 the school community between and among students and adults.

544 (b) Each local and regional board of education shall develop and  
545 implement a safe school climate plan to address the existence of  
546 bullying and teen dating violence in its schools. Such plan shall: (1)  
547 Enable students to anonymously report acts of bullying or teen dating  
548 violence to school employees and require students and the parents or  
549 guardians of students to be notified annually of the process by which  
550 students may make such reports, (2) enable the parents or guardians of  
551 students to file written reports of suspected bullying or teen dating  
552 violence, (3) require school employees who witness acts of bullying or  
553 teen dating violence or who receive reports of bullying or teen dating  
554 violence to orally notify the safe school climate specialist, described in  
555 section 10-222k, as amended by this act, or another school  
556 administrator if the safe school climate specialist is unavailable, not  
557 later than one school day after such school employee witnesses or  
558 receives a report of bullying or teen dating violence, and to file a  
559 written report not later than two school days after making such oral  
560 report, (4) require the safe school climate specialist to investigate or  
561 supervise the investigation of all reports of bullying and teen dating  
562 violence and ensure that such investigation is completed promptly  
563 after receipt of any written reports made under this section, (5) require  
564 the safe school climate specialist to review any anonymous reports,  
565 except that no disciplinary action shall be taken solely on the basis of  
566 an anonymous report, (6) include a prevention and intervention  
567 strategy, as defined by section 10-222g, as amended by this act, for  
568 school employees to deal with bullying and teen dating violence, (7)  
569 provide for the inclusion of language in student codes of conduct  
570 concerning bullying and teen dating violence, (8) require each school  
571 to notify the parents or guardians of students who commit any verified  
572 acts of bullying or teen dating violence and the parents or guardians of

573 students against whom such acts were directed not later than forty-  
574 eight hours after the completion of the investigation described in  
575 subdivision (4) of this subsection, (9) require each school to invite the  
576 parents or guardians of a student who commits any verified act of  
577 bullying or teen dating violence and the parents or guardians of the  
578 student against whom such act was directed to a meeting to  
579 communicate to such parents or guardians the measures being taken  
580 by the school to ensure the safety of the student against whom such act  
581 was directed and to prevent further acts of bullying and teen dating  
582 violence, (10) establish a procedure for each school to document and  
583 maintain records relating to reports and investigations of bullying and  
584 teen dating violence in such school and to maintain a list of the  
585 number of verified acts of bullying and teen dating violence in such  
586 school and make such list available for public inspection, and annually  
587 report such number to the Department of Education, and in such  
588 manner as prescribed by the Commissioner of Education, (11) direct  
589 the development of case-by-case interventions for addressing repeated  
590 incidents of bullying or teen dating violence against a single individual  
591 or recurrently perpetrated bullying or teen dating violence incidents  
592 by the same individual that may include both counseling and  
593 discipline, (12) prohibit discrimination and retaliation against an  
594 individual who reports or assists in the investigation of an act of  
595 bullying or teen dating violence, (13) direct the development of student  
596 safety support plans for students against whom an act of bullying or  
597 teen dating violence was directed that address safety measures the  
598 school will take to protect such students against further acts of  
599 bullying or teen dating violence, (14) require the principal of a school,  
600 or the principal's designee, to notify the appropriate local law  
601 enforcement agency when such principal, or the principal's designee,  
602 believes that any acts of bullying or teen dating violence constitute  
603 criminal conduct, (15) prohibit bullying and teen dating violence (A)  
604 on school grounds, at a school-sponsored or school-related activity,  
605 function or program whether on or off school grounds, at a school bus  
606 stop, on a school bus or other vehicle owned, leased or used by a local  
607 or regional board of education, or through the use of an electronic

608 device or an electronic mobile device owned, leased or used by the  
609 local or regional board of education, and (B) outside of the school  
610 setting if such bullying or teen dating violence (i) creates a hostile  
611 environment at school for the student against whom such bullying or  
612 teen dating violence was directed, (ii) infringes on the rights of the  
613 student against whom such bullying or teen dating violence was  
614 directed at school, or (iii) substantially disrupts the education process  
615 or the orderly operation of a school, (16) require, at the beginning of  
616 each school year, each school to provide all school employees with a  
617 written or electronic copy of the school district's safe school climate  
618 plan, and (17) require that all school employees annually complete the  
619 training described in section 10-220a or section 10-222j. The notification  
620 required pursuant to subdivision (8) of this subsection and the  
621 invitation required pursuant to subdivision (9) of this subsection shall  
622 include a description of the response of school employees to such acts  
623 and any consequences that may result from the commission of further  
624 acts of bullying or teen dating violence.

625 (c) Not later than January 1, [2012] 2016, each local and regional  
626 board of education shall approve the safe school climate plan  
627 developed pursuant to this section and submit such plan to the  
628 Department of Education. Not later than thirty calendar days after  
629 approval of such plan by the local or regional board of education, the  
630 board shall make such plan available on the board's and each  
631 individual school in the school district's Internet web site and ensure  
632 that such plan is included in the school district's publication of the  
633 rules, procedures and standards of conduct for schools and in all  
634 student handbooks.

635 (d) On and after July 1, 2012, and biennially thereafter, each local  
636 and regional board of education shall require each school in the district  
637 to complete an assessment using the school climate assessment  
638 instruments, including surveys, approved and disseminated by the  
639 Department of Education pursuant to section 10-222h, as amended by  
640 this act. Each local and regional board of education shall collect the  
641 school climate assessments for each school in the district and submit

642 such school climate assessments to the department.

643 Sec. 14. Section 10-222g of the general statutes is repealed and the  
644 following is substituted in lieu thereof (*Effective October 1, 2014*):

645 For the purposes of section 10-222d, as amended by this act, the  
646 term "prevention and intervention strategy" may include, but is not  
647 limited to, (1) implementation of a positive behavioral interventions  
648 and supports process or another evidence-based model approach for  
649 safe school climate or for the prevention of bullying and teen dating  
650 violence identified by the Department of Education, (2) school rules  
651 prohibiting bullying, teen dating violence, harassment and  
652 intimidation and establishing appropriate consequences for those who  
653 engage in such acts, (3) adequate adult supervision of outdoor areas,  
654 hallways, the lunchroom and other specific areas where bullying or  
655 teen dating violence is likely to occur, (4) inclusion of grade-  
656 appropriate bullying and teen dating violence education and  
657 prevention curricula in kindergarten through high school, (5)  
658 individual interventions with the bully or student who commits teen  
659 dating violence, parents and school employees, and interventions with  
660 the [bullied child] students against whom acts of bullying and teen  
661 dating violence are directed, parents and school employees, (6) school-  
662 wide training related to safe school climate, (7) student peer training,  
663 education and support, and (8) promotion of parent involvement in  
664 bullying and teen dating violence prevention through individual or  
665 team participation in meetings, trainings and individual interventions.

666 Sec. 15. Section 10-222h of the 2014 supplement to the general  
667 statutes is repealed and the following is substituted in lieu thereof  
668 (*Effective October 1, 2014*):

669 (a) The Department of Education shall, within available  
670 appropriations, (1) document school districts' articulated needs for  
671 technical assistance and training related to safe learning, [and] bullying  
672 and teen dating violence, (2) collect information on the prevention and  
673 intervention strategies used by schools to reduce the incidence of  
674 bullying and teen dating violence, improve school climate and

675 improve reporting outcomes, (3) develop or recommend a model safe  
676 school climate plan for grades kindergarten to twelve, inclusive, and  
677 (4) in collaboration with the Connecticut Association of Schools,  
678 disseminate to all public schools grade-level appropriate school  
679 climate assessment instruments approved by the department,  
680 including surveys, to be used by local and regional boards of  
681 education for the purposes of collecting information described in  
682 subdivision (2) of this subsection so that the department can monitor  
683 bullying and teen dating violence prevention efforts over time and  
684 compare each district's progress to state trends.

685 (b) On or before February 1, 2014, and annually thereafter, the  
686 department shall, in accordance with the provisions of section 11-4a,  
687 submit a report on the status of its efforts pursuant to this section  
688 including, but not limited to, the number of verified acts of bullying  
689 and teen dating violence in the state, an analysis of the responsive  
690 action taken by school districts and any recommendations it may have  
691 regarding additional activities or funding to prevent bullying and teen  
692 dating violence in schools and improve school climate to the joint  
693 standing committees of the General Assembly having cognizance of  
694 matters relating to education and children and to the speaker of the  
695 House of Representatives, the president pro tempore of the Senate and  
696 the majority and minority leaders of the House of Representatives and  
697 the Senate.

698 (c) The department may accept private donations for the purposes  
699 of this section.

700 Sec. 16. Section 10-222i of the general statutes is repealed and the  
701 following is substituted in lieu thereof (*Effective October 1, 2014*):

702 (a) The Department of Education, in consultation with the State  
703 Education Resource Center, the Governor's Prevention Partnership,  
704 [and] the Commission on Children and the Connecticut Coalition  
705 Against Domestic Violence, shall establish, within available  
706 appropriations, a state-wide safe school climate resource network for  
707 the identification, prevention and education of school bullying and

708 teen dating violence in the state. Such state-wide safe school climate  
709 resource network shall make available to all schools information,  
710 training opportunities and resource materials to improve the school  
711 climate to diminish bullying and teen dating violence.

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

715 Sec. 17. Section 10-222j of the general statutes is repealed and the  
716 following is substituted in lieu thereof (*Effective October 1, 2014*):

717 The Department of Education shall provide, within available  
718 appropriations, annual training to school employees, as defined in  
719 section 10-222d, as amended by this act, except those school employees  
720 who hold the initial educator, provisional educator or professional  
721 educator certificate, on the prevention, identification and response to  
722 school bullying and teen dating violence, as defined in section 10-222d,  
723 as amended by this act, and the prevention of and response to youth  
724 suicide. Such training may include, but not be limited to, (1)  
725 developmentally appropriate strategies to prevent bullying and teen  
726 dating violence among students in school and outside of the school  
727 setting, (2) developmentally appropriate strategies for immediate and  
728 effective interventions to stop bullying and teen dating violence, (3)  
729 information regarding the interaction and relationship between  
730 students committing acts of bullying and teen dating violence,  
731 students against whom such acts of bullying and teen dating violence  
732 are directed and witnesses of such acts of bullying and teen dating  
733 violence, (4) research findings on bullying and teen dating violence,  
734 such as information about the types of students who have been shown  
735 to be at-risk for bullying and teen dating violence in the school setting,  
736 (5) information on the incidence and nature of cyberbullying, as  
737 defined in section 10-222d, as amended by this act, (6) Internet safety  
738 issues as they relate to cyberbullying, or (7) information on the  
739 incidence of youth suicide, methods of identifying youths at risk of  
740 suicide and developmentally appropriate strategies for effective

741 interventions to prevent youth suicide. Such training may be presented  
742 in person by mentors, offered in state-wide workshops or through on-  
743 line courses.

744 Sec. 18. Section 10-222k of the 2014 supplement to the general  
745 statutes is repealed and the following is substituted in lieu thereof  
746 (*Effective October 1, 2014*):

747 (a) For the school year commencing July 1, 2012, and each school  
748 year thereafter, the superintendent of each local or regional board of  
749 education shall appoint, from among existing school district staff, a  
750 district safe school climate coordinator. The district safe school climate  
751 coordinator shall: (1) Be responsible for implementing the district's safe  
752 school climate plan, developed pursuant to section 10-222d, as  
753 amended by this act, (2) collaborate with the safe school climate  
754 specialists, described in subsection (b) of this section, the board of  
755 education for the district and the superintendent of schools of the  
756 school district to prevent, identify and respond to bullying and teen  
757 dating violence in the schools of the district, (3) provide data and  
758 information, in collaboration with the superintendent of schools of the  
759 district, to the Department of Education regarding bullying and teen  
760 dating violence, in accordance with the provisions of subsection (b) of  
761 section 10-222d, as amended by this act, and subsection (a) of section  
762 10-222h, as amended by this act, and (4) meet with the safe school  
763 climate specialists at least twice during the school year to discuss  
764 issues relating to bullying and teen dating violence in the school  
765 district and to make recommendations concerning amendments to the  
766 district's safe school climate plan.

767 (b) For the school year commencing July 1, 2012, and each school  
768 year thereafter, the principal of each school, or the principal's designee,  
769 shall serve as the safe school climate specialist and shall (1) investigate  
770 or supervise the investigation of reported acts of bullying and teen  
771 dating violence in the school in accordance with the district's safe  
772 school climate plan, (2) collect and maintain records of reports and  
773 investigations of bullying and teen dating violence in the school, and

774 (3) act as the primary school official responsible for preventing,  
775 identifying and responding to reports of bullying and teen dating  
776 violence in the school.

777 (c) (1) For the school year commencing July 1, 2012, and each school  
778 year thereafter, the principal of each school shall establish a committee  
779 or designate at least one existing committee in the school to be  
780 responsible for developing and fostering a safe school climate and  
781 addressing issues relating to bullying and teen dating violence in the  
782 school. Such committee shall include at least one parent or guardian of  
783 a student enrolled in the school appointed by the school principal.

784 (2) Any such committee shall: (A) Receive copies of completed  
785 reports following investigations of bullying and teen dating violence,  
786 (B) identify and address patterns of bullying and teen dating violence  
787 among students in the school, (C) implement the provisions of the  
788 school security and safety plan, developed pursuant to section 10-  
789 222m, regarding the collection, evaluation and reporting of  
790 information relating to instances of disturbing or threatening behavior  
791 that may not meet the definition of bullying or teen dating violence,  
792 (D) review and amend school policies relating to bullying and teen  
793 dating violence, (E) review and make recommendations to the district  
794 safe school climate coordinator regarding the district's safe school  
795 climate plan based on issues and experiences specific to the school, (F)  
796 educate students, school employees and parents and guardians of  
797 students on issues relating to bullying and teen dating violence, (G)  
798 collaborate with the district safe school climate coordinator in the  
799 collection of data regarding bullying and teen dating violence, in  
800 accordance with the provisions of subsection (b) of section 10-222d, as  
801 amended by this act, and subsection (a) of section 10-222h, as amended  
802 by this act, and (H) perform any other duties as determined by the  
803 school principal that are related to the prevention, identification and  
804 response to school bullying and teen dating violence for the school.

805 (3) Any parent or guardian serving as a member of any such  
806 committee shall not participate in the activities described in

807 subparagraphs (A) to (C), inclusive, of subdivision (2) of this  
808 subsection or any other activity that may compromise the  
809 confidentiality of a student.

810 Sec. 19. Section 10-222l of the general statutes is repealed and the  
811 following is substituted in lieu thereof (*Effective October 1, 2014*):

812 (a) No claim for damages shall be made against a school employee,  
813 as defined in section 10-222d, as amended by this act, who reports,  
814 investigates and responds to bullying or teen dating violence, as  
815 defined in said section 10-222d, in accordance with the provisions of  
816 the safe school climate plan, described in said section 10-222d, if such  
817 school employee was acting in good faith in the discharge of his or her  
818 duties or within the scope of his or her employment. The immunity  
819 provided in this subsection does not apply to acts or omissions  
820 constituting gross, reckless, wilful or wanton misconduct.

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

828 (c) No claim for damages shall be made against a local or regional  
829 board of education that implements the safe school climate plan,  
830 described in section 10-222d, as amended by this act, and reports,  
831 investigates and responds to bullying or teen dating violence, as  
832 defined in said section 10-222d, if such local or regional board of  
833 education was acting in good faith in the discharge of its duties. The  
834 immunity provided in this subsection does not apply to acts or  
835 omissions constituting gross, reckless, wilful or wanton misconduct.

836 Sec. 20. Subsection (a) of section 10-16b of the general statutes is  
837 repealed and the following is substituted in lieu thereof (*Effective*  
838 *October 1, 2014*):

839 (a) In the public schools the program of instruction offered shall  
840 include at least the following subject matter, as taught by legally  
841 qualified teachers, the arts; career education; consumer education;  
842 health and safety, including, but not limited to, human growth and  
843 development, nutrition, first aid, disease prevention, community and  
844 consumer health, physical, mental and emotional health, including  
845 youth suicide prevention, teen dating violence awareness and  
846 prevention, substance abuse prevention, safety, which may include the  
847 dangers of gang membership, and accident prevention; language arts,  
848 including reading, writing, grammar, speaking and spelling;  
849 mathematics; physical education; science; social studies, including, but  
850 not limited to, citizenship, economics, geography, government and  
851 history; and in addition, on at least the secondary level, one or more  
852 world languages and vocational education. For purposes of this  
853 subsection, world languages shall include American Sign Language,  
854 provided such subject matter is taught by a qualified instructor under  
855 the supervision of a teacher who holds a certificate issued by the State  
856 Board of Education. For purposes of this subsection, the "arts" means  
857 any form of visual or performing arts, which may include, but not be  
858 limited to, dance, music, art and theatre.

859 Sec. 21. (NEW) (*Effective October 1, 2014*) (a) Any person who has  
860 been the victim of sexual abuse, sexual assault or stalking, as described  
861 in sections 53a-181c, 53a-181d and 53a-181e of the general statutes,  
862 may make an application to the Superior Court for relief under this  
863 section, provided such person has not obtained any other court order  
864 of protection arising out of such abuse, assault or stalking and does not  
865 qualify to seek relief under section 46b-15 of the general statutes, as  
866 amended by this act.

867 (b) The application shall be accompanied by an affidavit made by  
868 the applicant under oath that includes a statement of the specific facts  
869 that form the basis for relief. Upon receipt of the application, if the  
870 allegations set forth in the affidavit meet the requirements of  
871 subsection (a) of this section, the court shall schedule a hearing not  
872 later than fourteen days from the date of the application. If the court is

873 closed on the scheduled hearing date, the hearing shall be held on the  
874 next day the court is open and any ex parte order that was issued shall  
875 remain in effect until the date of such hearing. If the court finds that  
876 there are reasonable grounds to believe that the respondent has  
877 committed acts constituting grounds for issuance of an order under  
878 this section and will continue to commit such acts or acts designed to  
879 intimidate or retaliate against the applicant, the court, in its discretion,  
880 may make such orders as it deems appropriate for the protection of the  
881 applicant. If the court finds that there are reasonable grounds to  
882 believe that an imminent danger exists to the applicant, the court may  
883 issue an ex parte order granting such relief as it deems appropriate. In  
884 making such orders, the court, in its discretion, may consider relevant  
885 court records if the records are available to the public from a clerk of  
886 the Superior Court or on the Judicial Branch's Internet web site. Such  
887 orders may include, but are not limited to, an order enjoining the  
888 respondent from: (1) Imposing any restraint upon the person or liberty  
889 of the applicant; (2) threatening, harassing, assaulting, molesting,  
890 sexually assaulting or attacking the applicant; and (3) entering the  
891 dwelling of the applicant.

892 (c) No order of the court shall exceed one year, except that an order  
893 may be extended by the court upon proper motion of the applicant,  
894 provided a copy of the motion has been served by a proper officer on  
895 the respondent, no other order of protection based on the same facts  
896 and circumstances is in place and the need for protection, consistent  
897 with subsection (a) of this section, still exists.

898 (d) The applicant shall cause notice of the hearing pursuant to  
899 subsection (b) of this section and a copy of the application and the  
900 applicant's affidavit and of any ex parte order issued pursuant to  
901 subsection (b) of this section to be served by a proper officer on the  
902 respondent not less than five days before the hearing. The cost of such  
903 service shall be paid for by the Judicial Branch. Upon the granting of  
904 an ex parte order, the clerk of the court shall provide two copies of the  
905 order to the applicant. Upon the granting of an order after notice and  
906 hearing, the clerk of the court shall provide two copies of the order to

907 the applicant and a copy to the respondent. Every order of the court  
908 made in accordance with this section after notice and hearing shall be  
909 accompanied by a notification that is consistent with the full faith and  
910 credit provisions set forth in 18 USC 2265(a), as amended from time to  
911 time. Immediately after making service on the respondent, the proper  
912 officer shall send or cause to be sent, by facsimile or other means, a  
913 copy of the application, or the information contained in such  
914 application, stating the date and time the respondent was served, to  
915 the law enforcement agency or agencies for the town in which the  
916 applicant resides, the town in which the applicant is employed and the  
917 town in which the respondent resides. The clerk of the court shall  
918 send, by facsimile or other means, a copy of any ex parte order and of  
919 any order after notice and hearing, or the information contained in any  
920 such order, to the law enforcement agency or agencies for the town in  
921 which the applicant resides, the town in which the applicant is  
922 employed and the town in which the respondent resides, not later than  
923 forty-eight hours after the issuance of such order. If the applicant is  
924 enrolled in a public or private elementary or secondary school,  
925 including a technical high school, or an institution of higher education,  
926 as defined in section 10a-55 of the general statutes, the clerk of the  
927 court shall, upon the request of the applicant, send, by facsimile or  
928 other means, a copy of such ex parte order or of any order after notice  
929 and hearing, or the information contained in any such order, to such  
930 school or institution of higher education, the president of any  
931 institution of higher education at which the applicant is enrolled and  
932 the special police force established pursuant to section 10a-142 of the  
933 general statutes, if any, at the institution of higher education at which  
934 the applicant is enrolled.

935 (e) An action under this section shall not preclude the applicant  
936 from subsequently seeking any other civil or criminal relief based on  
937 the same facts and circumstances.

938 Sec. 22. (NEW) (*Effective October 1, 2014*) (a) A person is guilty of  
939 criminal violation of a civil protection order when (1) a civil protection  
940 order has been issued against such person pursuant to section 21 of

941 this act, and (2) such person, having knowledge of the terms of the  
942 order, violates such order.

943 (b) Criminal violation of a civil protection order is a class D felony.

944 Sec. 23. Subsection (a) of section 53a-40e of the general statutes is  
945 repealed and the following is substituted in lieu thereof (*Effective*  
946 *October 1, 2014*):

947 (a) If any person is convicted of (1) a violation of subdivision (1) or  
948 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,  
949 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, as amended by this  
950 act, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-  
951 181e, 53a-182b, as amended by this act, 53a-183, 53a-223, as amended  
952 by this act, 53a-223a, as amended by this act, or 53a-223b, as amended  
953 by this act, or attempt or conspiracy to violate any of said sections or  
954 section 53a-54a, [against a family or household member, as defined in  
955 section 46b-38a,] or (2) any crime that the court determines constitutes  
956 a family violence crime, as defined in section 46b-38a, or attempt or  
957 conspiracy to commit any such crime, the court may, in addition to  
958 imposing the sentence authorized for the crime under section 53a-35a  
959 or 53a-36, if the court is of the opinion that the history and character  
960 and the nature and circumstances of the criminal conduct of such  
961 offender indicate that a standing criminal protective order will best  
962 serve the interest of the victim and the public, issue a standing criminal  
963 protective order which shall remain in effect for a duration specified  
964 by the court until modified or revoked by the court for good cause  
965 shown. If any person is convicted of any crime against a family or  
966 household member, as defined in section 46b-38a, other than a crime  
967 specified in subdivision (1) or (2) of this subsection, the court may, for  
968 good cause shown, issue a standing criminal protective order pursuant  
969 to this subsection.

970 Sec. 24. Section 53a-107 of the general statutes is repealed and the  
971 following is substituted in lieu thereof (*Effective October 1, 2014*):

972 (a) A person is guilty of criminal trespass in the first degree when:

973 (1) Knowing that such person is not licensed or privileged to do so,  
974 such person enters or remains in a building or any other premises after  
975 an order to leave or not to enter personally communicated to such  
976 person by the owner of the premises or other authorized person; or (2)  
977 such person enters or remains in a building or any other premises in  
978 violation of a restraining order issued pursuant to section 46b-15, as  
979 amended by this act, or a protective order issued pursuant to section  
980 46b-38c, as amended by this act, 54-1k, as amended by this act, [or] 54-  
981 82r, as amended by this act, or section 21 of this act by the Superior  
982 Court; or (3) such person enters or remains in a building or any other  
983 premises in violation of a foreign order of protection, as defined in  
984 section 46b-15a, that has been issued against such person in a case  
985 involving the use, attempted use or threatened use of physical force  
986 against another person; or (4) knowing that such person is not licensed  
987 or privileged to do so, such person enters or remains on public land  
988 after an order to leave or not to enter personally communicated to such  
989 person by an authorized official of the state or a municipality, as the  
990 case may be.

991 (b) Criminal trespass in the first degree is a class A misdemeanor.

992 Sec. 25. Subsection (a) of section 51-5c of the general statutes is  
993 repealed and the following is substituted in lieu thereof (*Effective*  
994 *October 1, 2014*):

995 (a) The Chief Court Administrator shall establish and maintain an  
996 automated registry of protective orders that shall contain (1) protective  
997 or restraining orders issued by courts of this state, including, but not  
998 limited to, orders issued pursuant to sections 46b-15, as amended by  
999 this act, 46b-38c, as amended by this act, 53a-40e, as amended by this  
1000 act, 54-1k, as amended by this act, 54-82q, as amended by this act,  
1001 [and] 54-82r, as amended by this act, and section 21 of this act, and (2)  
1002 foreign orders of protection that have been registered in this state  
1003 pursuant to section 46b-15a. The registry shall clearly indicate the date  
1004 of commencement, the termination date, if specified, and the duration  
1005 of any order contained therein. The Chief Court Administrator shall

1006 adopt policies and procedures for the operation of the registry, which  
1007 shall include policies and procedures governing the disclosure of  
1008 information in the registry to the judges of the Superior Court and  
1009 employees of the Judicial Department.

1010 Sec. 26. Section 6-32 of the general statutes is repealed and the  
1011 following is substituted in lieu thereof (*Effective October 1, 2014*):

1012 (a) Each state marshal shall receive each process directed to such  
1013 marshal when tendered, execute it promptly and make true return  
1014 thereof; and shall, without any fee, give receipts when demanded for  
1015 all civil process delivered to such marshal to be served, specifying the  
1016 names of the parties, the date of the writ, the time of delivery and the  
1017 sum or thing in demand. If any state marshal does not duly and  
1018 promptly execute and return any such process or makes a false or  
1019 illegal return thereof, such marshal shall be liable to pay double the  
1020 amount of all damages to the party aggrieved.

1021 (b) A civil protective order constitutes civil process for purposes of  
1022 the powers and duties of a state marshal. The cost of serving a civil  
1023 protective order shall be paid by the Judicial Branch in the same  
1024 manner as the cost of serving a restraining order issued pursuant to  
1025 section 46b-15, as amended by this act, and fees and expenses  
1026 associated with the serving of a civil protective order shall be  
1027 calculated in accordance with subsection (a) of section 52-261.

1028 Sec. 27. Section 53a-70b of the general statutes is repealed and the  
1029 following is substituted in lieu thereof (*Effective October 1, 2014*):

1030 (a) For the purposes of this section:

1031 (1) "Sexual intercourse" means vaginal intercourse, anal intercourse,  
1032 fellatio or cunnilingus between persons regardless of sex. Penetration,  
1033 however slight, is sufficient to complete vaginal intercourse, anal  
1034 intercourse or fellatio and does not require emission of semen.  
1035 Penetration may be committed by an object manipulated by the actor  
1036 into the genital or anal opening of the victim's body; and

1037 (2) "Use of force" means: (A) Use of a dangerous instrument; or (B)  
1038 use of actual physical force or violence or superior physical strength  
1039 against the victim.

1040 (b) No spouse or cohabitor shall compel the other spouse or  
1041 cohabitor to engage in sexual intercourse by the use of force against  
1042 such other spouse or cohabitor, or by the threat of the use of force  
1043 against such other spouse or cohabitor which reasonably causes such  
1044 other spouse or cohabitor to fear physical injury.

1045 (c) Any person who violates any provision of this section shall be  
1046 guilty of a class B felony for which two years of the sentence imposed  
1047 may not be suspended or reduced by the court.

1048 Sec. 28. Section 53a-40d of the general statutes is repealed and the  
1049 following is substituted in lieu thereof (*Effective October 1, 2014, and*  
1050 *applicable to convictions entered on or after said date*):

1051 (a) A persistent offender of crimes involving assault, stalking,  
1052 trespass, threatening, harassment, criminal violation of a protective  
1053 order, criminal violation of a standing criminal protective order or  
1054 criminal violation of a restraining order is a person who (1) stands  
1055 convicted of assault under section 53a-61, stalking under section 53a-  
1056 181d, threatening under section 53a-62, harassment under section 53a-  
1057 183, criminal violation of a protective order under section 53a-223, as  
1058 amended by this act, criminal violation of a standing criminal  
1059 protective order under section 53a-223a, as amended by this act,  
1060 criminal violation of a restraining order under section 53a-223b or  
1061 criminal trespass under section 53a-107, as amended by this act, or 53a-  
1062 108, and (2) has, prior to the commission of the present crime, (A) been  
1063 convicted of a capital felony under the provisions of section 53a-54b in  
1064 effect prior to April 25, 2012, a class A felony, a class B felony, except a  
1065 conviction under section 53a-86 or 53a-122, a class C felony, except a  
1066 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony  
1067 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,  
1068 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section  
1069 53a-61, stalking under section 53a-181d, threatening under section 53a-

1070 62, harassment under section 53a-183, criminal violation of a protective  
1071 order under section 53a-223, as amended by this act, criminal violation  
1072 of a standing criminal protective order under section 53a-223a, as  
1073 amended by this act, criminal violation of a restraining order under  
1074 section 53a-223b, or criminal trespass under section 53a-107, as  
1075 amended by this act, or 53a-108, or (B) been convicted in any other  
1076 state of any crime the essential elements of which are substantially the  
1077 same as any of the crimes enumerated in subparagraph (A) of this  
1078 subdivision, [, or (C) been released from incarceration with respect to  
1079 such conviction.]

1080 (b) When any person has been found to be a persistent offender of  
1081 crimes involving assault, stalking, trespass, threatening, harassment,  
1082 criminal violation of a protective order, criminal violation of a standing  
1083 criminal protective order or criminal violation of a restraining order,  
1084 the court shall, in lieu of imposing the sentence authorized for the  
1085 crime under section 53a-36 or section 53a-35a, as applicable, impose  
1086 the sentence of imprisonment authorized by said section 53a-36 or  
1087 section 53a-35a for the next more serious degree of misdemeanor or  
1088 felony, except that if the crime is a class A misdemeanor the court shall  
1089 impose the sentence of imprisonment for a class D felony, as  
1090 authorized by section 53a-35a.

1091 Sec. 29. (NEW) (*Effective July 1, 2014*) (a) As used in this section:

1092 (1) "Domestic violence agency" means any office, shelter, host home  
1093 or agency offering assistance to victims of domestic violence through  
1094 crisis intervention, emergency shelter referral and medical and legal  
1095 advocacy, and which meets the Department of Social Services' criteria  
1096 of service provision for such agencies.

1097 (2) "Family violence victim advocate" means a person (A) who is  
1098 employed by and under the control of a direct service supervisor of a  
1099 domestic violence agency, (B) who has undergone a minimum of  
1100 twenty hours of training which shall include, but not be limited to, the  
1101 dynamics of domestic violence, crisis intervention, communication  
1102 skills, working with diverse populations, an overview of the state

1103 criminal justice and civil family court systems and information about  
1104 state and community resources for victims of domestic violence, (C)  
1105 who is certified as a counselor by the domestic violence agency that  
1106 provided such training, and (D) whose primary purpose is the  
1107 rendering of advice, counsel and assistance to, and the advocacy of the  
1108 cause of, victims of domestic violence.

1109 (b) The Chief Court Administrator shall permit one or more family  
1110 violence victim advocates to provide services to victims of domestic  
1111 violence in the Family Division of the Superior Court in each judicial  
1112 district in the state, provided the total number of family violence  
1113 victim advocates providing such services in the Family Division of the  
1114 Superior Court in the state's judicial districts shall not exceed sixteen.

1115 Sec. 30. Subsection (j) of section 46b-38c of the 2014 supplement to  
1116 the general statutes is repealed and the following is substituted in lieu  
1117 thereof (*Effective October 1, 2014*):

1118 (j) The Judicial Department, in consultation with an organization  
1119 that advocates on behalf of victims of domestic violence, shall establish  
1120 an ongoing training program for judges, Court Support Services  
1121 Division personnel, guardians ad litem and clerks to inform them  
1122 about the policies and procedures of sections 46b-1, 46b-15, as  
1123 amended by this act, 46b-38a to 46b-38f, inclusive, and 54-1g,  
1124 including, but not limited to, the function of the family violence  
1125 intervention units and the use of restraining and protective orders. The  
1126 ongoing training provided to judges shall include the unique social  
1127 and emotional characteristics of family violence crimes.

1128 Sec. 31. (NEW) (*Effective October 1, 2014*) Any person who  
1129 maliciously publishes, disseminates or otherwise discloses the  
1130 confidential location of an emergency shelter operated by a domestic  
1131 violence agency, as defined in section 52-146k of the general statutes,  
1132 without written authorization from the domestic violence agency that  
1133 operates such emergency shelter to publish, disseminate or otherwise  
1134 disclose the location of such emergency shelter shall be guilty of a class  
1135 A misdemeanor.

1136 Sec. 32. (NEW) (*Effective October 1, 2014*) (a) A professional  
 1137 bondsman may enter into a premium financing arrangement with a  
 1138 principal or any indemnitor in which such bondsman extends credit to  
 1139 such principal or indemnitor.

1140 (b) If a professional bondsman enters into a premium financing  
 1141 arrangement, such bondsman shall require (1) the principal on the bail  
 1142 bond or any indemnitor to make a minimum down payment of thirty-  
 1143 five per cent of the premium due, at the premium rate approved by the  
 1144 Commissioner of Emergency Services and Public Protection in  
 1145 consultation with the Insurance Commissioner, and (2) the principal  
 1146 and any indemnitor to execute a promissory note for the balance of the  
 1147 premium due. Such promissory note shall provide that such balance  
 1148 shall be paid not later than fifteen months after the date of the  
 1149 execution of the bail bond. If such balance has not been paid in full to  
 1150 the professional bondsman by the due date or a payment due under  
 1151 such arrangement is more than sixty days in arrears, such bondsman  
 1152 shall file a civil action seeking appropriate relief with the court not  
 1153 later than seventy-five days after such due date. The professional  
 1154 bondsman shall make a diligent effort to obtain judgment after filing  
 1155 such complaint on such promissory note unless good cause is shown  
 1156 for failure to obtain judgment, including, but not limited to, the filing  
 1157 for bankruptcy by the principal or the indemnitor or failure to serve  
 1158 process despite good faith efforts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	46b-15
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2014</i>	53a-223
Sec. 4	<i>October 1, 2014</i>	53a-223a
Sec. 5	<i>October 1, 2014</i>	53a-223b
Sec. 6	<i>October 1, 2014</i>	46b-38c(e)
Sec. 7	<i>October 1, 2014</i>	54-1k(b)
Sec. 8	<i>October 1, 2014</i>	54-82r(b)
Sec. 9	<i>October 1, 2014</i>	53a-40e
Sec. 10	<i>October 1, 2014</i>	29-36n(b)

Sec. 11	<i>October 1, 2014</i>	46b-38h
Sec. 12	<i>October 1, 2014</i>	53a-182b(a) and (b)
Sec. 13	<i>October 1, 2014</i>	10-222d
Sec. 14	<i>October 1, 2014</i>	10-222g
Sec. 15	<i>October 1, 2014</i>	10-222h
Sec. 16	<i>October 1, 2014</i>	10-222i
Sec. 17	<i>October 1, 2014</i>	10-222j
Sec. 18	<i>October 1, 2014</i>	10-222k
Sec. 19	<i>October 1, 2014</i>	10-222l
Sec. 20	<i>October 1, 2014</i>	10-16b(a)
Sec. 21	<i>October 1, 2014</i>	New section
Sec. 22	<i>October 1, 2014</i>	New section
Sec. 23	<i>October 1, 2014</i>	53a-40e(a)
Sec. 24	<i>October 1, 2014</i>	53a-107
Sec. 25	<i>October 1, 2014</i>	51-5c(a)
Sec. 26	<i>October 1, 2014</i>	6-32
Sec. 27	<i>October 1, 2014</i>	53a-70b
Sec. 28	<i>October 1, 2014, and applicable to convictions entered on or after said date</i>	53a-40d
Sec. 29	<i>July 1, 2014</i>	New section
Sec. 30	<i>October 1, 2014</i>	46b-38c(j)
Sec. 31	<i>October 1, 2014</i>	New section
Sec. 32	<i>October 1, 2014</i>	New section

**Statement of Legislative Commissioners:**

In sections 1, 2, 14 and 21(c), technical changes were made for consistency with the provisions of the general statutes.

**JUD**      *Joint Favorable Subst.*

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Judicial Dept.	GF - Cost	Up to 1.4 million	Up to 1.6 million
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	186,489	234,976
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Correction, Dept.	GF - Potential Cost	See Below	See Below
Various State Agencies	GF - Potential Cost	Up to 1,000	Up to 1,000

**Municipal Impact:** None

**Explanation**

**Judicial Department**

**Section 1** of the bill allows judges to order specified financial support in civil restraining orders and results in costs of \$174,329 for three positions and other expenses in FY 15 and \$209,195 in FY 16. There is an additional cost of \$60,866 in FY 15 and \$76,691 in FY 16 for fringe benefits. The new positions will assist with the preparation of financial affidavits and calculation of recommended support.

sHB 5030, the revised FY 15 budget, as favorably reported by the Appropriations Committee, provides funding of \$104,598 in FY 15 for half-year funding for the three positions and other expenses and

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

\$36,520 for fringe benefits.

**Sections 21 and 26** expand who can apply for a civil protective order results in costs of \$574,054 in FY 15 and \$667,603 in FY 16 for 6 positions to process approximately 4,000 new orders and state marshals to deliver the service of process orders. An additional \$125,623 in FY 15 and \$158,285 in FY 16 would be needed for fringe benefits.

sHB 5030, the revised FY 15 budget, as favorably reported by the Appropriations Committee, provides funding of \$430,566 in FY 15 for half-year funding and \$75,374 for fringe benefits.

**Section 22** creates a new Class D felony for criminal violation of a civil protective order. To the extent that offenders are prosecuted for this new offense, potential costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**Section 24** expands the definition of 1<sup>st</sup> degree criminal trespass and results in a potential revenue gain for additional fines. In FY 13, there were 28 offenses under the current statute with fine revenue of \$9,500.

**Sections 29 and 31** require the chief court administrator to allow up to 16 family violence victim advocates to provide services in the Superior Court's family division in each judicial district. This results in costs of up to \$647,000 in FY 15 and \$776,000 in FY 16 for 16 contracted victim advocates. sHB 5030, the revised FY 15 budget, as favorably reported by the Appropriations Committee, includes half-year funding of \$48,500 for two victim advocates.

### **Department of Correction**

**Section 1** also enhances penalties for unclassified felonies that result in potential costs to the Department of Correction. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**Sections 3 - 9** create new, unclassified felonies and enhances

penalties for certain offenses. The bill enhances the penalty for certain violations of 53a-223 and its subsections. On average, 30 offenders are prosecuted or accept plea bargains under this statute annually. Additionally, the bill enhances penalties for certain criminal violation of restraining and criminal protective orders. To the extent that offenders are prosecuted for new or expanded offenses under this bill, potential costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**Section 12** broadens the crime of 1<sup>st</sup> degree harassment and results in a potential cost to the Department of Correction. The bill expands the bill to include other forms of communication, and could result in increased offenders being charged. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**Section 27** adds a minimum mandatory sentence for violation of 53a-70b. On average seven offenders are prosecuted or accept plea deals under this statute annually. The majority of those offenders are sentenced to over one year in prison. To the extent that future offenders are prosecuted under this bill and sentenced to longer prison sentences, costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender.

**Section 28** results in a potential cost to the Department of Correction by adding violation of a standing criminal protective order to statutes enhancing penalties for persistent offenders. On average, 15 offenders are convicted or accept plea bargains under this statute annually. To the extent that future offenders qualify under the persistent offender statutes and are sentenced to longer prison sentences, costs for incarceration would result. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender annually.

### **Various State Agencies**

**Section 2** may result in a cost of less than \$1,000 in FY 15 to those agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

**Sections With No Impact**

Sections 10, 11, 13-20, 23, 25, 30 & 32 make various changes that do not result in a fiscal impact.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis**

**sHB 5593**

**AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.**

**SUMMARY:**

This bill makes numerous changes to the various laws that govern family violence, domestic violence, sexual assault, dating violence, and bullying, including those related to restraining, protective, and standing criminal protective orders.

Among the changes it makes to the civil restraining order provisions, it (a) expands the courts' authority by allowing additional orders in specific circumstances, including orders to maintain necessary utilities and provide financial support; (b) establishes other requirements for civil restraining orders such as prohibiting modification and establishing expiration dates; and (c) establishes a task force to study service of restraining orders pertaining to family and household members.

The bill also increases the penalty for criminal violation of restraining orders, protective orders, and standing criminal protective orders by changing these crimes from class D felonies to class C felonies when the violation involves such behavior as threatening, harassing, and assaulting a person.

The bill requires local and regional boards of education, as well as the State Department of Education (SDE), to address teen dating violence in schools in the same way that current law requires them to address bullying.

The bill authorizes courts to issue civil protection orders to victims of sexual abuse, sexual assault, and stalking who, among other things,

do not qualify for civil restraining orders; it expands the crime of 1<sup>st</sup> degree criminal trespass and the circumstances under which a court may issue a standing criminal protective order; and makes related changes.

The bill imposes a mandatory minimum penalty for sexual assault in spousal or cohabiting relationships; requires the Chief Court Administrator to allow family violence victim advocates to serve domestic violence victims in Superior Court; and makes it a crime to maliciously reveal the confidential location of an emergency shelter.

This bill subjects a standing criminal protective order violator to an increased penalty for persistent offenders if, in addition to violating the order, he or she has a prior conviction for certain crimes. It also adds criminal violation of a standing criminal protective order to the list of prior convictions that can subject someone to this increased persistent offender penalty.

EFFECTIVE DATE: October 1, 2014, except the section on (1) the restraining orders task force which is effective upon passage and (2) persistent offenders of certain crimes which is applicable to convictions entered on or after October 1, 2014.

## **§ 1 — RESTRAINING ORDERS – FAMILY AND HOUSEHOLD MEMBERS**

The bill broadens the courts' authority in civil restraining order cases, both upon receipt of an application for such an order and at a hearing on the application.

By law, any family or household member (see BACKGROUND) who has been subjected to continuous threat of present physical pain or physical injury, stalking, or a pattern of threatening, may apply to the Superior Court for a restraining order. The court may issue an order as it deems appropriate to protect the applicant and any dependent children or other people as the court sees fit.

Under current law, the court's order, whether ex parte (i.e. without

a hearing) or after a hearing, may include temporary child custody or visitation rights and provisions to protect any animals. The court's order may also prohibit the respondent from:

1. imposing any restraint on the applicant;
2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; or
3. entering the family home or the home of the applicant.

### ***Ex Parte Order***

By law, if an applicant alleges he or she is in immediate and present physical danger, the court may issue a restraining order *ex parte* (i.e., without a hearing) that contains any of the orders described above.

Under the bill, upon receiving the application, if (1) the applicant and respondent are spouses or people who (a) have a dependent child or children in common and (b) live together; (2) no order exists; and (3) it is necessary to maintain the safety and basic needs of the applicant and the children, the bill broadens the measures the order can contain. The court order may also:

1. prohibit the respondent from taking any action that could result in shutting off necessary utility services or other necessary services related to the family home or the applicant's home;
2. prohibit the respondent from taking any action that could result in the cancellation or change of health, automobile, or homeowners insurance policy coverage or beneficiary designation to the detriment of the applicant or any dependent children they have in common;
3. prohibit the respondent from transferring, encumbering, concealing, or disposing of specified property the applicant owns or leases; or
4. require the respondent to temporarily provide the applicant an

automobile, checkbook, health documents, automobile or homeowners insurance, a document needed for proving identity, a key, or other necessary specified personal effects.

### ***Hearing on the Application***

Under the bill, at the hearing on the application, if the court grants relief under similar circumstances as described under the ex parte provisions, in addition to orders authorized under current law and those authorized in an ex parte order under the bill, the court may also order the respondent to:

1. make rent or mortgage payments on the family home or the home of the applicant and their dependent children;
2. maintain utility services or other necessary services related to the family home or the home of the applicant and their dependent children;
3. maintain all existing health, automobile, or homeowners insurance coverage without change in coverage or beneficiary designation; or
4. provide financial support for the benefit of any dependent children, if the respondent has a legal duty to support them and the ability to pay.

The bill prohibits the court from entering any financial support order without sufficient evidence of a person's ability to pay, including financial affidavits. And, it allows any amounts not paid or collected under an order to be preserved and collected in a divorce, custody, paternity, or support action.

Under the bill, an order can only be entered at the hearing. An order that is entered at a hearing cannot be modified and must expire 120 days after the issue date or upon issuance of a superseding order, whichever occurs first.

### ***Specific Language in the Court Order***

By law, any civil restraining order that the court makes must include specific language on what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties.

The bill expands the notice requirements in the court order. The court order must now also include specific language on what constitutes a criminal violation of a civil restraining order and the corresponding penalties.

## **§ 2 — TASK FORCE**

The bill establishes a task force to study service of restraining orders pertaining to family and household members. The study must examine the:

1. policies, procedures and regulations relating to state marshals serving restraining orders, including methods used for their initial notification;
2. length of time available to serve a restraining order;
3. permissible methods of service;
4. effectiveness of the respondent profile information sheet, and marshal access to databases containing identifiable respondent information;
5. reimbursement rates for service, including an assessment of other states' reimbursement rates;
6. best practices established by other states, if any, with respect to service of restraining orders; and
7. feasibility of expanding the list of people who can serve restraining orders.

### ***Task Force Members and Appointments***

Under the bill, the 16-member task force includes two members appointed by each of the following:

1. Senate president pro tempore (representing the Connecticut Coalition Against Domestic Violence and the Chief States Attorney);
2. Senate majority leader (an advocate for domestic violence victims and a representative of the State Marshal Commission);
3. Senate minority leader (representing the Connecticut Police Chiefs Association and the Office of the Chief Public Defender);
4. House speaker (a domestic violence victim and a representative from the speaker's task force on domestic violence);
5. House majority leader (a state marshal and a representative of the state police);
6. House minority leader (a state marshal and a representative of state legal aid assistance programs);
7. Governor (representing the Connecticut Police Chiefs Association and the Office of the Victim Advocate); and
8. Chief Court Administrator (a Superior Court judge assigned to hear civil matters and a Judicial Branch employee whose duties concern Superior Court operations).

All appointments must be made within 30 days after the bill's passage and any vacancies must be filled by the appointing authority.

The House speaker and Senate president pro tempore must select the task force's chairpersons from among its members. The chairpersons must schedule and hold the first meeting within 60 days after the bill's passage. The Judiciary Committee's administrative staff serves 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 December 15, 2014. It terminates when it

submits the report or on that date, whichever is later.

## **§§ 3-9 — INCREASED PENALTY FOR VIOLATING CERTAIN ORDERS**

### **§§ 3-6 — *Increased Penalty***

Under current law, criminal violation of a (1) protective order, (2) standing criminal protective order, or (3) civil restraining order is each a class D felony punishable by imprisonment for up to five years, a fine of up to \$5,000, or both.

Under the bill, if the violation of any of these orders involves (1) imposing any restraint upon the person or his or her liberty in violation of the order, or (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the order, such a crime becomes a class C felony and the penalty increases to imprisonment for up to 10 years, a fine of up to \$10,000, or both.

The bill requires the specific language contained in standing criminal protective orders and certain protective orders to be updated to reflect the penalty increase. The affected protective orders are those related to (1) family violence; (2) stalking, harassment, sexual assault, and risk of injury; and (3) witness harassment.

## **§ 9 — STANDING CRIMINAL PROTECTIVE ORDERS**

As of October 1, 2010, the law renamed standing criminal restraining orders as standing criminal protective orders. The bill ensures that anywhere the term standing criminal protective order is used in the statutes, it includes standing criminal restraining orders issued before October 1, 2010. Thus, the bill ensures that standing criminal restraining orders issued before October 1, 2010 remain enforceable and are subject to the same penalties and statutory provisions as standing criminal protective orders.

## **§ 10 — PROTOCOL FOR TRANSFER OR SURRENDER OF PISTOLS AND REVOLVERS**

The bill makes conforming changes.

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**§ 11 — CRIMINAL HISTORY RECORDS – FAMILY VIOLENCE  
CRMES**

The bill makes conforming changes.

**§ 12 — 1<sup>ST</sup> DEGREE HARASSMENT**

Under the bill, someone who commits 1<sup>st</sup> degree harassment is deemed to have committed the crime where the harassing communication originated or where it was received. Current law only deems the crime to have been committed in either place when the conduct involves telephone calls, although someone can commit 1<sup>st</sup> degree harassment through a telephone, telegraph, mail, computer network, or other form of communication.

A similar provision already applies to 2<sup>nd</sup> degree harassment.

By law, 1<sup>st</sup> degree harassment is a class D felony.

**§ 13 — SAFE SCHOOL CLIMATE DEFINITIONS AND PLAN*****Definitions***

The bill expands school climate laws, which currently address bullying, to include “teen dating violence.” The bill defines this as any act of physical, emotional, or sexual abuse, including stalking, harassing, and threatening, that occurs between two students who are currently in or who have recently been in a dating relationship. (It appears that this provision would apply to cases where one of the students attends college or middle school.)

By law, one form of bullying occurs when a student’s physical act or gesture toward another creates a hostile environment that is sufficiently severe or pervasive to alter school climate conditions. The bill expands the term “hostile environment” to include a situation in which teen dating violence among students is sufficiently severe or pervasive to alter school climate conditions.

***Safe School Climate Plan Provisions***

The bill requires safe school climate plans to address teen dating violence in schools. Current law requires local and regional boards of

education to create these plans to address bullying.

It also requires safe school climate plans to address teen dating violence in several ways:

1. enable students to anonymously report to school employees acts of teen dating violence;
2. require students and their parents or guardians to be annually notified about the process for students to make such reports;
3. enable students' parents and guardians to file written reports about suspected teen dating violence;
4. require school employees who witness or receive reports of teen dating violence to (a) orally notify the safe school climate specialist or, if unavailable, another school administrator within one day and (b) file a written report within two days of the oral report;
5. require the safe school climate specialist to (a) investigate or supervise the investigation of all teen dating violence reports and (b) ensure that the investigation is promptly completed after receiving written notice of the violence;
6. require the safe school climate specialist to review any anonymous reports without taking disciplinary action;
7. include a prevention and intervention strategy for school employees to deal with teen dating violence;
8. provide model teen dating violence prohibitions districts must include in student conduct codes;
9. require each school to notify parents or guardians of students who commit verified acts of teen dating violence within 48 hours of completing an investigation;
10. require each school to invite parents or guardians of both the

offending and victimized students to a meeting communicating the school's actions to (a) ensure the safety of the victimized student and (b) prevent further acts of teen dating violence;

11. direct the development of case-by-case basis interventions, which may include both counseling and discipline, for addressing (a) repeated teen dating violence incidents against a single individual or (b) recurrently perpetrated teen dating violence incidents by the same individual;
12. prohibit discrimination and retaliation against anyone who reports or helps investigate teen dating violence;
13. direct the development of safety support plans for students against whom teen dating violence was directed, addressing safety measures the school will take to protect against further acts;
14. require the school's principal, or principal's designee, to notify law enforcement officials when teen dating violence constitutes criminal conduct; and
15. prohibit teen dating violence (a) on school grounds and various school-related events and locations and (b) off school grounds when it creates a hostile environment at school, infringes on a student's rights, or substantially disrupts the educational process.

The bill also requires the above parental notification and invitations for school meetings to include (1) a description of the school employee's response to the related teen dating violence incident and (2) any consequences that may result from future dating violence acts.

Current law requires boards of education to approve their own safe school climate plans with the above provisions related to bullying by January 1, 2012. The bill requires boards to approve new plans with the new teen dating violence provisions by January 1, 2016 and submit them to SDE. The bill also requires boards to post their plans on the

website of the board and each school in the district within 30 days of approval. The plan must also appear in the district's student conduct code and in all student handbooks.

#### **§ 14 — SCHOOL CLIMATE PLAN PREVENTION AND INTERVENTION STRATEGY**

The bill adds several optional components that may be added to the prevention and intervention strategy that each safe school climate plan must have. It permits the strategy to include:

1. implementation of a positive behavioral intervention and support process or another evidence-based model approach for preventing teen dating violence;
2. school rules prohibiting teen dating violence and appropriate consequences for those who engage in such acts;
3. adequate adult supervision of outdoor areas, hallways, the lunchroom, and other areas where teen dating violence is likely to occur;
4. inclusion of grade-appropriate teen dating violence education and prevention curricula in kindergarten through high school;
5. individual interventions with parents, school employees, and (a) students who commit teen dating violence and (b) students against whom acts of teen dating violence are directed; and
6. promotion of parental involvement in teen dating violence prevention through individual or team participation in meetings, training, and individual interventions.

Current law allows the prevention and intervention strategy in safe school climate plans to include the above components to address bullying.

#### **§ 15 — ANALYSIS OF SCHOOL DISTRICTS' PREVENTION EFFORTS**

The bill requires SDE to analyze, within available appropriations, school districts' teen dating violence prevention efforts, by:

1. documenting districts' articulated needs for technical assistance and training related to teen dating violence;
2. collecting information on the prevention and intervention strategies school use to reduce teen dating violence incidents; and
3. disseminating, in collaboration with the Connecticut Association of Schools, grade-appropriate school climate assessments to all public schools to monitor teen dating violence prevention efforts over time and compare each district's progress to state trends.

Current law requires SDE to perform such duties, within available appropriations, to analyze districts' bullying prevention efforts.

Also, the bill requires SDE to include in its annual report to the General Assembly on bullying prevention (1) the number of verified acts of teen dating violence in the state, (2) an analysis of school districts' responsive action to teen dating violence, and (3) any recommendations SDE may have about additional activities or funding to prevent teen dating violence in schools.

#### **§ 16 — STATEWIDE RESOURCE NETWORK**

Current law requires SDE to establish, within available appropriations, a statewide safe school climate resource network for the identification, prevention, and education of school bullying in Connecticut. The bill adds teen dating violence to the network's mission.

It also requires SDE to consult with the Connecticut Coalition Against Domestic Violence when establishing the network. The law currently requires SDE to consult with the State Education Resource Center, the Governor's Prevention Partnership, and the Commission on Children.

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**§ 17 — TRAINING FOR SCHOOL EMPLOYEES**

The bill requires SDE to provide teen dating violence prevention, identification, and response training to any school employee who does not hold educator certification. Current law requires similar training for bullying (see BACKGROUND).

The bill allows this training to include:

1. developmentally appropriate strategies (a) to prevent teen dating violence among students both in and outside of school and (b) for immediate and effective interventions to stop teen dating violence;
2. information on the interaction and relationship between students committing acts of teen dating violence, students against whom such acts are directed, and witnesses of such acts; and
3. research findings on teen dating violence, such as information about types of students shown to be at-risk for teen dating violence in schools.

**§ 18 — SAFE SCHOOL CLIMATE LEADERSHIP DUTIES**

The bill adds duties regarding teen dating violence to individuals and groups with safe school climate leadership roles: district safe school climate coordinators, safe school climate specialists, and safe school climate committees (see BACKGROUND).

It requires district safe school climate coordinators to:

1. collaborate with safe school climate specialists, the district's board of education, and the superintendent to prevent, identify, and respond to teen dating violence in district schools;
2. provide data and information regarding teen dating violence to SDE, in collaboration with the superintendent; and
3. meet with the safe school climate specialists at least twice each

school year to discuss teen dating violence issues in the district.

The bill requires safe school climate specialists to:

1. investigate or supervise investigations of reported acts of teen dating violence in the school, according to the district's safe school climate plan;
2. collect and maintain records of teen dating violence reports and investigations; and
3. act as the primary school officials responsible for preventing, identifying, and responding to reports of teen dating violence in the school.

The bill also requires the safe school climate committee to address issues relating to teen dating violence in the school. More specifically, it requires the committee to:

1. receive copies of completed reports following investigations of teen dating violence;
2. identify and address patterns of teen dating violence among students in the school;
3. implement school security and safety plan provisions (see BACKGROUND) regarding the collection, evaluation, and reporting of information relating to instances of disturbing or threatening behavior that may not meet the definition of teen dating violence;
4. review and amend school policies relating to teen dating violence;
5. educate students, school employees, and students' parents and guardians on teen dating violence issues;
6. collaborate with the district safe school climate coordinator to collect teen dating violence data; and

7. perform any other duties the principal determines are related to the prevention, identification, and response to teen dating violence for the school.

The bill prohibits parents serving on the safe school climate committee from participating in the first three duties listed above, as well as in any other activity that may compromise student confidentiality.

Current law requires these individuals and committees to perform the above duties to address bullying.

### **§ 19 — GRANTING IMMUNITY**

The bill grants civil immunity to the following individuals and groups:

1. school employees reporting, investigating, and responding to teen dating violence, who were acting in good faith or within the scope of employment;
2. students, parents, or guardians reporting acts of teen dating violence to a school employee and acting in good faith; and
3. local or regional boards of education reporting, investigating, and responding to teen dating violence and acting in good faith.

The bill prohibits these individuals and groups from enjoying immunity when their acts or omissions constitute gross misconduct.

Current law provides parallel immunity provisions with regard to bullying.

### **§ 20 — REQUIRED PUBLIC SCHOOL CURRICULUM**

The bill adds teen dating violence awareness and prevention to the required health and safety curriculum in public schools.

### **§§ 21-26 — CIVIL PROTECTION ORDERS**

#### **§§ 21 — *Sexual Abuse, Sexual Assault, or Stalking Victims***

The bill allows the Superior Court to issue civil protection orders to

an applicant who (1) is a victim of sexual abuse, sexual assault or 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree stalking, (2) has not obtained any other court order of protection arising out of the abuse, assault or stalking; and (3) does not qualify for relief under a civil restraining order, which is limited to family and household members.

**Application.** The bill requires an application for a civil protection order to be accompanied by an affidavit made under oath and including a statement of the specific facts that form the basis for relief.

**Ex Parte Order.** Under the bill, the court may issue an ex parte order granting appropriate relief, if it finds that there are reasonable grounds to believe that the applicant is in imminent danger.

The bill requires the court clerk to provide two copies of any ex parte orders to the applicant.

**Hearing.** The court must schedule a hearing within 14 days after receiving an application meeting the above requirements. If the court is closed on the scheduled hearing date, the hearing must be held on the next day the court is open and any ex parte order that was issued must remain in effect until the hearing date.

**Service of Process.** Under the bill, at least five days before the hearing, the applicant must have a notice of the hearing, a copy of the application, affidavit, and any ex parte order served on the respondent by a proper officer, such as a state marshal. The bill requires the Judicial Branch to pay the cost of serving process.

The proper officer, immediately after serving process on the respondent, must send or cause to be sent, by fax or other means, a copy of the application, or the information contained in it, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which (1) the applicant resides, (2) the applicant is employed, and (3) the respondent resides.

**Order After Hearing.** Under the bill, if the court finds reasonable grounds to believe that the respondent (1) has committed acts

constituting grounds for issuance of an order and (2) will continue to commit such act or acts designed to intimidate or retaliate against the applicant, it may make such orders as it deems appropriate for the protection of the applicant.

As is the case with ex parte orders, the bill allows the court to consider relevant court records if the records are available to the public from a Superior Court clerk or on the Judicial Branch's Internet web site.

Under the bill a civil protection order may include an order prohibiting the respondent from:

1. imposing any restraint upon the person or liberty of the applicant;
2. threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and
3. entering the dwelling of the applicant.

***Duration and Termination.*** Under the bill, a civil protection order, whether issued ex parte or after a hearing, must not exceed one year, unless extended by the court. The bill allows the court to extend the order if:

1. the applicant filed a proper motion;
2. a copy of the motion has been served by a proper officer on the respondent;
3. no other order of protection based on the same facts and circumstances is in place; and
4. the need for protection still exists.

***Notice of Order.*** When a court grants an order after notice and hearing, the clerk must provide two copies of the order to the applicant and a copy to the respondent. The bill also requires every such order to be accompanied by a notification that complies with the federal full

faith and credit provisions.

***Distribution of Orders.*** The clerk of the court must send, by fax or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in it:

1. to the law enforcement agency or agencies for the town in which (a) the applicant resides, (b) the applicant works, and (c) the respondent resides, within 48 hours after the issuance of the order; and
2. at the request of the applicant, to the (a) school or institution of higher education, (b) president of any institution of higher education at which the applicant is enrolled, and (c) special police force established, if any, at the institution of higher education at which the applicant is enrolled, if he or she is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education.

The bill specifies that an action for a civil protection order does not preclude the applicant from subsequently seeking any other civil or criminal relief based on the same facts and circumstances.

#### **§ 22—Criminal Violation of a Civil Protection Order**

The bill makes it a crime to violate a civil protection order. A person is guilty of criminal violation of a civil protection order when he or she (1) has a civil protection order issued against him or her, (2) knows of its terms, and (3) violates the order.

Under the bill, criminal violation of a civil protection order is a class D felony.

#### **§ 23—Standing Criminal Protective Orders**

The bill expands the circumstances under which the court may issue a standing criminal protective order.

Under current law, the court may issue a standing criminal

protective order if (1) a person has been convicted of certain offenses against a family or household member, or attempted or conspired to do so and (2) the court believes that the history, character, nature, and circumstances of the criminal conduct of the offender indicate that a standing criminal protective order will best serve the interests of the victim and the public. The bill expands this to include such violations against persons other than family or household members.

Under existing law, the offenses are:

1. use of physical force in defense of property;
2. 1<sup>st</sup> and 2<sup>nd</sup> degree assault;
3. 1<sup>st</sup> and 2<sup>nd</sup> degree assault of an elderly, blind, disabled, or pregnant person, or person with intellectual disability,
4. 2<sup>nd</sup> degree assault with a firearm;
5. 2<sup>nd</sup> degree assault of an elderly, blind, disabled, or pregnant person, or person with intellectual disability with a firearm,
6. 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree sexual assault;
7. 3<sup>rd</sup> degree sexual assault with a firearm;
8. 1<sup>st</sup> degree aggravated sexual assault;
9. sexual assault in a spousal or cohabiting relationship;
10. aggravated sexual assault of a minor;
11. 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree stalking;
12. 1<sup>st</sup> and 2<sup>nd</sup> degree harassment;
13. criminal violation of a protective order;
14. criminal violation of a standing criminal protective order;
15. criminal violation of a restraining order; or

16. murder.

The law, unchanged by the bill, requires a standing criminal protective order to remain in effect for the time specified by the court until modified or revoked by the court for good cause.

#### **§ 24 — 1<sup>st</sup> Degree Criminal Trespass**

The bill also makes it 1<sup>st</sup> degree criminal trespass for a person, without permission or privilege to do so, to enter or remain in a building or any other premises in violation of a civil protective order.

By law, 1<sup>st</sup> degree criminal trespass is a class A misdemeanor punishable by up to one year in prison, a fine up to \$2,000, or both.

#### **§ 25 — Protective Orders Registry**

The bill expands the chief court administrator's automated protective orders registry by requiring that it also include civil protection orders. Under current law, the registry contains (1) protective or restraining orders issued by Connecticut courts and (2) foreign protective orders registered in this state.

By law, the registry must clearly indicate the order's start and end dates, if specified, and duration.

#### **§ 26 — State Marshals – Civil Process**

The bill expands the duties of state marshals by authorizing them to serve civil protective orders. The bill specifies that such orders constitute civil process.

Under the bill, the Judicial Branch must pay the cost of serving a civil protective order in the same way it pays the cost of serving a civil restraining order, including the fees and expenses associated with the serving of such process.

#### **§ 27 — SEXUAL ASSAULT IN SPOUSAL OR COHABITING RELATIONSHIPS**

The bill enhances the penalty of sexual assault in a spousal or cohabiting relationship.

Under current law, a spouse or cohabitor who compels the other spouse or cohabitor to engage in sexual intercourse by the use of force or threat of the use of force that causes the other spouse or cohabitor to fear physical injury, is guilty of a class B felony, punishable by up to 20 years in prison, a fine up to \$15,000, or both. The bill requires the court to impose a mandatory minimum sentence of two years.

## **§ 28 — PERSISTENT OFFENDERS OF CERTAIN CRIMES**

By law, to be considered a persistent offender a person must (1) stand convicted of certain crimes and (2) have a prior conviction of certain crimes. The bill adds criminal violation of a standing criminal protective order to the list of crimes that a person can be convicted of to qualify as one of these persistent offenders. Under existing law, someone must stand convicted of one of the following crimes:

1. 3<sup>rd</sup> degree assault;
2. 2<sup>nd</sup> degree stalking, threatening, or harassment;
3. 1<sup>st</sup> or 2<sup>nd</sup> degree criminal trespass; or
4. criminal violation of a protective or restraining order.

To be sentenced as a persistent offender, the person must have a prior conviction of certain crimes. The bill also adds a prior conviction of criminal violation of a standing criminal protective order to this list. Under existing law, a person must have a prior conviction of:

1. a capital felony committed before April 25, 2012 or class A felony;
2. a class B felony, except promoting 1<sup>st</sup> degree prostitution or 1<sup>st</sup> degree larceny;
3. a class C felony, except promoting 2<sup>nd</sup> degree prostitution or bribing jurors;
4. 2<sup>nd</sup> or 3<sup>rd</sup> degree assault, 3<sup>rd</sup> degree burglary or robbery, 3<sup>rd</sup>

degree sexual assault, 2<sup>nd</sup> degree stalking or harassment; 2<sup>nd</sup> degree threatening, 1<sup>st</sup> degree unlawful restraint, 1<sup>st</sup> or 2<sup>nd</sup> degree criminal trespass, or criminal use of a firearm or electronic defense weapon;

5. criminal violation of a protective or restraining order; or
6. a similar crime in another state.

By law, the enhanced penalty is the sentence for the next more serious degree of the crime.

By subjecting a standing criminal protective order violator to the enhanced penalty if he or she has one of the required prior convictions, the bill increases the penalty for such a violator from a class D felony, which is the penalty for criminal violation of such an order, to a class C felony.

### **§ 30 — JUDICIAL DEPARTMENT TRAINING**

The bill expands the Judicial Department's training program for judges, staff, and guardians ad litem. It requires the department, in establishing ongoing training, to work in consultation with an organization that advocates on behalf of victims of domestic violence. Under the bill, the training program for judges must include training on the unique social and emotional characteristics of family violence crimes.

### **§§ 29 & 31 — DOMESTIC VIOLENCE AGENCIES AND ADVOCATES**

The bill makes it a crime to maliciously publish, disseminate, or otherwise disclose the confidential location of an emergency shelter operated by a "domestic violence agency," without written authorization from the agency that operates the shelter. Under the bill, publishing, disseminating, or otherwise disclosing the location of an emergency shelter is a class A misdemeanor.

Under the bill, a "domestic violence agency" is any office, shelter, host home, or agency offering assistance to victims of domestic

violence through crisis intervention, emergency shelter referral, and medical and legal advocacy, and which meets the Department of Social Services' criteria of service provision for such agencies.

### ***Family Violence Victim Advocates***

The bill requires the chief court administrator to allow one or more “family violence victim advocates” to provide services to victims of domestic violence in the Superior Court’s family division in each judicial district in the state, up to a statewide total of 16 such advocates.

Under the bill, “family violence victim advocate” means a person who:

1. is employed by and under the control of a direct service supervisor of a domestic violence agency;
2. has undergone at least 20 hours of training which must include, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence;
3. is certified as a counselor by the domestic violence agency that provided the training; and
4. whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

### **§ 32 — BOND PREMIUM FINANCING AGREEMENTS**

The bill allows a professional bondsman to enter into a premium financing arrangement when posting a bond for a criminal defendant. By law, professional bondsmen are regulated by the emergency services and public protection (DESPP) commissioner and put up personal assets as bond security.

Under a premium financing arrangement, the bondsman extends credit to the defendant (the principal) or someone paying for the bond for the defendant (an indemnitor). The bill requires (1) a minimum down payment of 35% of the approved premium rate set by DESPP in consultation with the insurance department and (2) the principal or indemnitor to execute a promissory note for the remaining premium due. The promissory note must require payment in full within 15 months of its execution.

If the balance owed is not paid in full by its due date or a payment is more than 60 days past due, the bill requires the bondsman to (1) file a civil court action seeking appropriate relief within 75 days of when the balance was due and (2) make a diligent effort to obtain judgment, unless good cause is shown for failing to do so (e.g., the principal or indemnitor files for bankruptcy, or service of process failed despite good faith efforts).

Existing law allows a surety bail bondsman to enter into premium financing arrangements under similar conditions. By law, a surety bail bond agent, through a contract with an insurer, sells bail bonds in criminal cases and is regulated by the insurance commissioner.

## **BACKGROUND**

### ***Family or Household Members***

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).

### ***School Employees Requiring Training***

By law, SDE must annually train school employees in preventing, identifying, and responding to bullying. These employees include the following individuals employed in public elementary, middle, and high schools who do not hold initial, provisional, or professional educator certificates: (1) teachers, (2) substitute teachers, (3) school administrators, (4) school superintendents, (5) guidance counselors, (6) psychologists, (7) social workers, (8) nurses, (9) physicians, (10) school paraprofessionals, and (11) coaches.

SDE also must annually train any other individual who has regular contact with students or provides services to students or on their behalf (CGS § 10-222d(a)(7)).

### ***Safe School Climate Leadership Roles***

By law, the following safe school climate leadership positions must be filled for each school year beginning July 1, 2013:

1. a district safe school climate coordinator for each school district, chosen by the superintendent of each board of education from among existing school district staff;
2. a safe school climate specialist for each school, who is either the principal or the principal's designee; and
3. a safe school climate committee, chosen by the principal of each school, that includes at least one student's parent or guardian (CGS § 10-222k).

### ***School Security and Safety Plan***

The law requires each local and regional board of education to develop a school security and safety plan for each school within its district (CGS § 10-222m). The plan must align with DESPP standards,

which provide an all-hazards approach to handling emergencies at public schools (CGS § 10-222n).

**Related Bills**

sSB 462, favorably reported by the Judiciary Committee, has similar provisions on civil restraining orders and protective orders.

sSB 152, § 6, favorably reported by the Judiciary Committee, expands the crime of criminal violation of a protective order to include when a person violates a protective order issued by a court when sentencing a person to a period of probation.

sHB 5564, (File 451) favorably reported by the Education Committee, requires SDE to approve or reject school district’s safe school climate plans and adds specific requirements to safe school climate surveys.

sSB 106, (File 315) favorably reported by the Human Services Committee, also changes local board of education responsibilities regarding safe school climate plans.

sHB 5341,(File 548) favorably reported by the Judiciary Committee, contains the same provisions on (1) persistent offenders involving criminal violation of a standing criminal protective order and (2) ensuring that the term standing criminal protective order includes standing criminal restraining orders issued before their name was changed.

sHB 5586, favorably reported by the Judiciary Committee, contains the same provision on 1<sup>st</sup> degree harassment .

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (04/02/2014)