

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-234—sHB 5593

Judiciary Committee

Appropriations Committee

Education Committee

AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

SUMMARY: This act makes various unrelated changes in laws that relate to family, domestic, and dating violence and other crimes.

With regard to family and domestic violence related laws, the act:

1. adds 2nd degree breach of peace to the crimes that require a family violence designation in certain convicted persons' criminal records,
2. imposes a mandatory two-year minimum sentence for sexual assault in spousal or cohabiting relationships,
3. makes it a crime to maliciously reveal the confidential location of an emergency shelter operated by a domestic violence agency,
4. requires the chief court administrator to ensure that the Judicial Branch's training program includes information on the unique characteristics of family violence crimes, and
5. makes other changes.

The act expands the circumstances under which the court may issue a standing criminal protective order to include situations involving violations against non-family or non-household members.

It also 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 the law requires them to address bullying. This includes establishing, within available appropriations, a safe school climate plan and resource network to identify, prevent, and educate people about such violence and providing teen dating violence prevention, identification, and response training to certain school employees.

Lastly, it makes a minor change to the crime of 1st degree harassment.

EFFECTIVE DATE: October 1, 2014, except the provision on standing criminal protective orders is effective January 1, 2015.

§ 1 — CRIMINAL HISTORY RECORDS – FAMILY VIOLENCE CRIMES

The act adds 2nd degree breach of peace, when committed against a family or household member, to the criminal violations that the court must designate as family violence in the person's criminal records. Other such violations, under existing law, include stalking, harassment, assault, sexual assault, disorderly conduct, and violations of restraining and protective orders.

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§ 9 — SEXUAL ASSAULT IN SPOUSAL OR COHABITING RELATIONSHIPS

The act requires the court to impose a mandatory two-year minimum sentence for sexual assault in a spousal or cohabiting relationship. By law, such an assault is a class B felony (see Table of Penalties). A person is guilty of this crime if he or she compels his or her spouse or cohabitor to engage in sexual intercourse by the use, or threat, of force that causes the spouse or cohabitor to fear physical injury.

§ 11 — DOMESTIC VIOLENCE EMERGENCY SHELTERS

The act makes it a class A misdemeanor to maliciously publish, disseminate, or otherwise disclose the confidential location of an emergency shelter operated by a domestic violence agency, without the agency's written authorization (see Table of Penalties).

By law, 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' service provision criteria for such agencies.

§ 10 — JUDICIAL BRANCH TRAINING

The act allows the Judicial Branch to consult with organizations that advocate on behalf of domestic violence victims to ensure that its ongoing family violence training for judges, staff, and guardians ad litem includes training on the unique social and emotional characteristics of family violence crimes.

§ 8 — STANDING CRIMINAL PROTECTIVE ORDERS

The act expands the circumstances under which the court may issue a standing criminal protective order to include situations involving violations against someone who is not a family or household member (see BACKGROUND).

Prior law allowed the court to issue such an order against a person convicted of a crime against a family or household member.

By law, the court may issue a standing criminal protective order against a person convicted of the following offenses, or the attempt or conspiracy to do so, if it believes that the history, character, nature, and circumstances of the criminal conduct of the offender indicate that the order will best serve the interests of the victim and the public:

1. use of physical force in defense of property;
2. 1st and 2nd degree assault;
3. 1st and 2nd degree assault of an elderly, blind, disabled, or pregnant person, or person with intellectual disability;
4. 2nd degree assault with a firearm;
5. 2nd degree assault of an elderly, blind, disabled, or pregnant person, or

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- person with intellectual disability with a firearm;
6. 1st, 2nd, 3rd, and 4th degree sexual assault;
 7. 3rd degree sexual assault with a firearm;
 8. 1st degree aggravated sexual assault;
 9. sexual assault in a spousal or cohabiting relationship;
 10. aggravated sexual assault of a minor;
 11. 1st, 2nd, and 3rd degree stalking;
 12. 1st and 2nd degree harassment;
 13. criminal violation of a protective, restraining, or standing criminal protective order; or
 14. murder.

The court may also, for good cause, issue a standing criminal protective order against a person convicted of any other crime.

§ 2 — 1ST DEGREE HARASSMENT

Under the act, someone who commits 1st degree harassment can be deemed to have committed the crime where any form of harassing communication either originated or was received. Prior law provided such an option only when the conduct involved telephone calls, although someone can also commit 1st degree harassment through telegraph, mail, computer network, or other form of communication. (PA 14-233 § 4 contains the same provision.)

By law, 1st degree harassment is a class D felony (see Table of Penalties).

§§ 3-7 — TEEN DATING VIOLENCE IN SCHOOLS

§ 3 — *Safe School Climate Definition and Plan Provisions*

The act expands safe school climate laws, which currently address bullying, to include teen dating violence. It defines “teen dating violence” 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.

The act requires safe school climate plans to address teen dating violence in schools, in addition to bullying. It also requires the plans’ prevention and intervention strategy for school employees to deal with teen dating violence.

§ 4 — *School Climate Plan Prevention and Intervention Strategy*

The act adds several optional components to the prevention and intervention strategy that each safe school climate plan must have. Under the act, the strategy may 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 violence;
3. adequate adult supervision of outdoor areas, hallways, the lunchroom, and

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- other areas where teen dating violence is likely to occur; and
4. grade-appropriate teen dating violence education and prevention curricula in kindergarten through high school.

Existing law allows inclusion of the above components in the strategy to address bullying.

§ 5 — Statewide Resource Network

Existing law requires SDE to establish, within available appropriations, a statewide safe school climate resource network for identifying, preventing, and educating about school bullying in Connecticut. The act adds identifying, preventing, and educating about teen dating violence to the network's mission and requires the network to make teen dating violence information, training opportunities, and resource material available to schools.

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

§ 6 — Training for School Employees

The act requires SDE to provide teen dating violence prevention, identification, and response training to any school employee who (1) does not hold educator certification or (2) is a district safe school climate coordinator, safe school climate specialist, or safe school climate committee member. Existing law requires similar training for bullying (see BACKGROUND).

The training may 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 to 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.

§ 7 — Granting Immunity

The act grants civil immunity to the following individuals and groups, when acting in good faith:

1. school employees reporting, investigating, and responding to teen dating violence, when acting within the scope of employment;
2. students, parents, guardians, or others reporting acts of teen dating violence to a school employee; and
3. local or regional boards of education implementing the safe school climate plan and reporting, investigating, and responding to teen dating violence.

The act does not provide immunity to these individuals and groups when their acts or omissions constitute gross misconduct.

Existing law provides parallel immunity provisions for bullying.

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BACKGROUND

Family or Household Members

By law, “family or household members” are any of the following people, regardless of age:

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 who are living, or 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 who are, or have recently been, dating (CGS § 46b-38a).

School Employees Requiring Training

By law, SDE must annually train school employees to prevent, identify, and respond 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, or provides services to, or on behalf of, students (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. 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. safe school climate specialist for each school, who is either the principal or the principal’s designee; and
3. safe school climate committee, chosen by the principal of each school, that includes at least one student’s parent or guardian (CGS § 10-222k).

Related Act

PA 14-232 requires SDE to approve or reject school districts’ safe school climate plans.

OLR Tracking: MK/MS:LH:VR:am