



House of Representatives

General Assembly

File No. 691

January Session, 2015

House Bill No. 7048

House of Representatives, April 16, 2015

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING PREVENTION, DETECTION AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 18-81cc of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (a) Any agency of the state or any political subdivision of the state
5 that incarcerates or detains adult or juvenile offenders, including
6 persons detained for immigration violations, shall, within available
7 appropriations, adopt and comply with the applicable standards
8 recommended by the National Prison Rape Elimination Commission
9 for the prevention, detection and monitoring of, and response to,
10 sexual abuse in adult prisons and jails, community correction facilities,
11 juvenile facilities and lockups.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	18-81cc(a)

JUD *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 16 \$
Children & Families, Dept.	GF - Cost	25,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires that state agencies that house juvenile offenders comply with the National Prison Rape Elimination Act. The Department of Correction (DOC) and Department of Children and Families (DCF) are currently compliant with the act and have the mandated audits scheduled for their facilities in FY 15 and FY 16. The audits for DCF cost \$5,000 each for Connecticut Juvenile Training School, the Pueblo Unit and 3 additional congregate care juvenile justice facilities. The cost to audit the Manson Youth Institute within DOC is federally funded in FY 15 and totals \$7,370.

The Out Years

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

OLR Bill Analysis**HB 7048*****AN ACT CONCERNING PREVENTION, DETECTION AND MONITORING OF PRISON RAPE IN JUVENILE FACILITIES.*****SUMMARY:**

Within available appropriations, this bill requires state and municipal agencies that incarcerate or detain juvenile offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, juvenile facilities, and lockups.

This requirement already applies to agencies incarcerating adult offenders.

EFFECTIVE DATE: October 1, 2015

STANDARDS

As with adult offenders, the bill requires the agencies, at a minimum, to adopt and comply with certain commission standards regarding juvenile offenders. These include:

1. zero tolerance of sexual abuse and notifying detainees, attorneys, contractors, and inmate workers of this policy;
2. heightened protection for vulnerable detainees;
3. limiting cross-gender viewing and searches;
4. training employees, volunteers, and contractors;
5. screening for risk of victimization and abusiveness;

6. establishing reporting procedures for inmates, detainees, and third parties;
7. giving inmates access to outside confidential support services or legal representation;
8. establishing the duty to investigate incidents and providing for criminal and administrative investigation;
9. establishing disciplinary sanctions for staff and inmates;
10. providing access to emergency medical and mental health services and ongoing medical and mental health care for sexual abuse victims and abusers;
11. collecting and reviewing data for corrective action; and
12. auditing the standards.

BACKGROUND

National Prison Rape Elimination Commission

Congress created this commission to study the causes and consequences of sexual abuse in prison and develop standards to eliminate prison rape. The commission submitted its report in June 2009. The report included detailed standards to reduce sexual abuse of offenders in adult prisons and jails, juvenile detention facilities, facilities housing immigration detainees, lock-ups, and community corrections facilities.

The federal Department of Justice adopted national standards in rules in 2012, although some provisions have not yet taken effect (28 CFR Part 115).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (04/06/2015)