



General Assembly

Substitute Bill No. 319

February Session, 2016

* SB00319ED 032116 *

**AN ACT CONCERNING NOTIFICATION TO SCHOOLS OF
PROTECTIVE OR RESTRAINING ORDERS AFFECTING STUDENTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2016*) If any person who is
2 enrolled in a public elementary or secondary school, including a
3 technical high school, is (1) listed as a protected person on any lawful
4 protective or temporary restraining orders, including, but not limited
5 to, orders issued pursuant to section 46b-15, 46b-16a, 46b-38c, 53a-40e,
6 54-1k, 54-82q or 54-82r of the general statutes, as amended by this act,
7 or (2) a person against whom any such order has been issued, not later
8 than seventy-two hours following the granting of such order, the clerk
9 of the Superior Court shall, unless otherwise requested by such person
10 described in subdivision (1) of this section, send, by facsimile or other
11 means, a copy of such order or the information contained in any such
12 order, to the local or regional board of education responsible for
13 educating such person and the superintendent of schools of the school
14 district in which such person resides or attends school, or in the case of
15 a person enrolled in a technical high school, to the technical high
16 school system board and the superintendent of the technical high
17 school system. The superintendent shall maintain such order and
18 information in a secure location and such order and information shall
19 be maintained as confidential in a manner consistent with sections 46b-
20 124 and 54-76l of the general statutes. The superintendent shall

21 disclose such order and information only to the principal of the school
22 in which such person is a student. The principal may disclose such
23 information only to a teacher of such person, any school employee
24 responsible for the pick-up or drop-off of such person at the school, or
25 special services staff or a consultant, such as a psychiatrist,
26 psychologist or social worker, for the purposes of an assessment for
27 effectuating an appropriate modification of such person's educational
28 plan or placement, and for disciplinary purposes. If such order was
29 granted during the school year, such assessment shall be completed
30 not later than the end of the next school day. Such order and
31 information with respect to a child under eighteen years of age shall be
32 confidential in a manner consistent with sections 46b-124 and 54-76l of
33 the general statutes, and shall only be disclosed as provided in this
34 section and shall not be further disclosed.

35 Sec. 2. Subsection (g) of section 46b-15 of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective*
37 *October 1, 2016*):

38 (g) The applicant shall cause notice of the hearing pursuant to
39 subsection (b) of this section and a copy of the application and the
40 applicant's affidavit and of any ex parte order issued pursuant to
41 subsection (b) of this section to be served on the respondent not less
42 than five days before the hearing. The cost of such service shall be paid
43 for by the Judicial Branch. Upon the granting of an ex parte order, the
44 clerk of the court shall provide two copies of the order to the applicant.
45 Upon the granting of an order after notice and hearing, the clerk of the
46 court shall provide two copies of the order to the applicant and a copy
47 to the respondent. Every order of the court made in accordance with
48 this section after notice and hearing shall be accompanied by a
49 notification that is consistent with the full faith and credit provisions
50 set forth in 18 USC 2265(a), as amended from time to time.
51 Immediately after making service on the respondent, the proper officer
52 shall send or cause to be sent, by facsimile or other means, a copy of
53 the application, or the information contained in such application,

54 stating the date and time the respondent was served, to the law
55 enforcement agency or agencies for the town in which the applicant
56 resides, the town in which the applicant is employed and the town in
57 which the respondent resides. The clerk of the court shall send, by
58 facsimile or other means, a copy of any ex parte order and of any order
59 after notice and hearing, or the information contained in any such
60 order, to the law enforcement agency or agencies for the town in which
61 the applicant resides, the town in which the applicant is employed and
62 the town in which the respondent resides, within forty-eight hours of
63 the issuance of such order. If the victim is enrolled in a [public or]
64 private elementary or secondary school, [including a technical high
65 school,] or an institution of higher education, as defined in section 10a-
66 55, the clerk of the court shall, upon the request of the victim, send, by
67 facsimile or other means, a copy of such ex parte order or of any order
68 after notice and hearing, or the information contained in any such
69 order, to such school or institution of higher education, the president
70 of any institution of higher education at which the victim is enrolled
71 and the special police force established pursuant to section 10a-156b, if
72 any, at the institution of higher education at which the victim is
73 enrolled. If the victim or respondent is a student enrolled in a public
74 elementary or secondary school, including a technical high school,
75 unless otherwise requested by the victim, the clerk of the court shall
76 send, by facsimile or other means, a copy of such ex parte order or of
77 any order after notice and hearing, or the information contained in any
78 such order, to the local or regional board of education responsible for
79 educating such student and the superintendent of schools of the school
80 district in which such student resides or attends school, or in the case
81 of a student enrolled in a technical high school, to the technical high
82 school system board and the superintendent of the technical high
83 school system, in accordance with the provisions of section 1 of this
84 act.

85 Sec. 3. Subsection (d) of section 46b-16a of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *October 1, 2016*):

88 (d) The applicant shall cause notice of the hearing pursuant to
89 subsection (b) of this section and a copy of the application and the
90 applicant's affidavit and of any ex parte order issued pursuant to
91 subsection (b) of this section to be served by a proper officer on the
92 respondent not less than five days before the hearing. The cost of such
93 service shall be paid for by the Judicial Branch. Upon the granting of
94 an ex parte order, the clerk of the court shall provide two copies of the
95 order to the applicant. Upon the granting of an order after notice and
96 hearing, the clerk of the court shall provide two copies of the order to
97 the applicant and a copy to the respondent. Every order of the court
98 made in accordance with this section after notice and hearing shall be
99 accompanied by a notification that is consistent with the full faith and
100 credit provisions set forth in 18 USC 2265(a), as amended from time to
101 time. Immediately after making service on the respondent, the proper
102 officer shall send or cause to be sent, by facsimile or other means, a
103 copy of the application, or the information contained in such
104 application, stating the date and time the respondent was served, to
105 the law enforcement agency or agencies for the town in which the
106 applicant resides, the town in which the applicant is employed and the
107 town in which the respondent resides. The clerk of the court shall
108 send, by facsimile or other means, a copy of any ex parte order and of
109 any order after notice and hearing, or the information contained in any
110 such order, to the law enforcement agency or agencies for the town in
111 which the applicant resides, the town in which the applicant is
112 employed and the town in which the respondent resides, not later than
113 forty-eight hours after the issuance of such order. If the applicant is
114 enrolled in a [public or] private elementary or secondary school,
115 [including a technical high school,] or an institution of higher
116 education, as defined in section 10a-55, the clerk of the court shall,
117 upon the request of the applicant, send, by facsimile or other means, a
118 copy of such ex parte order or of any order after notice and hearing, or
119 the information contained in any such order, to such school or
120 institution of higher education, the president of any institution of
121 higher education at which the applicant is enrolled and the special
122 police force established pursuant to section 10a-142, if any, at the

123 institution of higher education at which the applicant is enrolled. If the
124 applicant or respondent is a student enrolled in a public elementary or
125 secondary school, including a technical high school, unless otherwise
126 requested by the applicant, the clerk of the court shall send, by
127 facsimile or other means, a copy of such ex parte order or of any order
128 after notice and hearing, or the information contained in any such
129 order, to the local or regional board of education responsible for
130 educating such student and the superintendent of schools of the school
131 district in which such student resides or attends school, or in the case
132 of a student enrolled in a technical high school, to the technical high
133 school system board and the superintendent of the technical high
134 school system, in accordance with the provisions of section 1 of this
135 act.

136 Sec. 4. Subsection (d) of section 46b-38c of the 2016 supplement to
137 the general statutes is repealed and the following is substituted in lieu
138 thereof (*Effective October 1, 2016*):

139 (d) In all cases of family violence, a written or oral report that
140 indicates whether the parties in the family violence case are parties to a
141 case pending on the family relations docket of the Superior Court and
142 includes recommendation of the local family violence intervention unit
143 shall be available to a judge at the first court date appearance to be
144 presented at any time during the court session on that date. A judge of
145 the Superior Court may consider and impose the following conditions
146 to protect the parties, including, but not limited to: (1) Issuance of a
147 protective order pursuant to subsection (e) of this section; (2)
148 prohibition against subjecting the victim to further violence; (3) referral
149 to a family violence education program for persons who commit acts
150 of family violence; and (4) immediate referral for more extensive case
151 assessment. Such protective order shall be an order of the court, and
152 the clerk of the court shall cause (A) a copy of such order to be sent to
153 the victim, and (B) a copy of such order, or the information contained
154 in such order, to be sent by facsimile or other means within forty-eight
155 hours of its issuance to the law enforcement agency for the town in

156 which the victim resides and, if the defendant resides in a town
157 different from the town in which the victim resides, to the law
158 enforcement agency for the town in which the defendant resides. If the
159 victim is employed in a town different from the town in which the
160 victim resides, the clerk of the court shall, upon the request of the
161 victim, send, by facsimile or other means, a copy of such order, or the
162 information contained in such order, to the law enforcement agency
163 for the town in which the victim is employed not later than forty-eight
164 hours after the issuance of such order. If the victim is enrolled in a
165 [public or] private elementary or secondary school, [including a
166 technical high school,] or an institution of higher education, as defined
167 in section 10a-55, the clerk of the court shall, upon the request of the
168 victim, send, by facsimile or other means, a copy of such order, or the
169 information contained in such order, to such school or institution of
170 higher education, the president of any institution of higher education
171 at which the victim is enrolled and the special police force established
172 pursuant to section 10a-156b, if any, at the institution of higher
173 education at which the victim is enrolled. If the victim or defendant is
174 a student enrolled in a public elementary or secondary school,
175 including a technical high school, unless otherwise requested by the
176 victim, the clerk of the court shall send, by facsimile or other means, a
177 copy of such order, or the information contained in such order, to the
178 local or regional board of education responsible for educating such
179 student and the superintendent of schools of the school district in
180 which such student resides or attends school, or in the case of a
181 student enrolled in a technical high school, to the technical high school
182 system board and the superintendent of the technical high school
183 system, in accordance with the provisions of section 1 of this act.

184 Sec. 5. Section 53a-40e of the general statutes is repealed and the
185 following is substituted in lieu thereof (*Effective October 1, 2016*):

186 (a) If any person is convicted of (1) a violation of subdivision (1) or
187 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
188 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-

189 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,
190 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of
191 said sections or section 53a-54a, or (2) any crime that the court
192 determines constitutes a family violence crime, as defined in section
193 46b-38a, or attempt or conspiracy to commit any such crime, the court
194 may, in addition to imposing the sentence authorized for the crime
195 under section 53a-35a or 53a-36, if the court is of the opinion that the
196 history and character and the nature and circumstances of the criminal
197 conduct of such offender indicate that a standing criminal protective
198 order will best serve the interest of the victim and the public, issue a
199 standing criminal protective order which shall remain in effect for a
200 duration specified by the court until modified or revoked by the court
201 for good cause shown. If any person is convicted of any crime not
202 specified in subdivision (1) or (2) of this subsection, the court may, for
203 good cause shown, issue a standing criminal protective order pursuant
204 to this subsection.

205 (b) Such standing criminal protective order may include, but need
206 not be limited to, provisions enjoining the offender from (1) imposing
207 any restraint upon the person or liberty of the victim; (2) threatening,
208 harassing, assaulting, molesting, sexually assaulting or attacking the
209 victim; or (3) entering the family dwelling or the dwelling of the
210 victim.

211 (c) Such standing criminal protective order shall include the
212 following notice: "In accordance with section 53a-223a of the
213 Connecticut general statutes, violation of this order shall be punishable
214 by a term of imprisonment of not less than one year nor more than ten
215 years, a fine of not more than ten thousand dollars, or both."

216 (d) If the victim or offender is a student enrolled in a public
217 elementary or secondary school, including a technical high school,
218 unless otherwise requested by the victim, the clerk of the court shall
219 send, by facsimile or other means, a copy of such standing criminal
220 protective order, or the information contained in such standing
221 criminal protective order, to the local or regional board of education

222 responsible for educating such student and the superintendent of
223 schools of the school district in which such student resides or attends
224 school, or in the case of a student enrolled in a technical high school, to
225 the technical high school system board and the superintendent of the
226 technical high school system, in accordance with the provisions of
227 section 1 of this act.

228 [(d)] (e) For the purposes of this section and any other provision of
229 the general statutes, "standing criminal protective order" means (1) a
230 standing criminal restraining order issued prior to October 1, 2010, or
231 (2) a standing criminal protective order issued on or after October 1,
232 2010.

233 Sec. 6. Subsection (a) of section 54-1k of the general statutes is
234 repealed and the following is substituted in lieu thereof (*Effective*
235 *October 1, 2016*):

236 (a) Upon the arrest of a person for a violation of subdivision (1) or
237 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
238 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
239 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
240 pursuant to this section. Upon the arrest of a person for a violation of
241 section 53a-182b or 53a-183, the court may issue a protective order
242 pursuant to this section if it finds that such violation caused the victim
243 to reasonably fear for his or her physical safety. Such order shall be an
244 order of the court, and the clerk of the court shall cause (1) a copy of
245 such order, or the information contained in such order, to be sent to
246 the victim, and (2) a copy of such order, or the information contained
247 in such order, to be sent by facsimile or other means not later than
248 forty-eight hours after its issuance to the law enforcement agency or
249 agencies for the town in which the victim resides, the town in which
250 the victim is employed and the town in which the defendant resides. If
251 the victim is enrolled in a [public or] private elementary or secondary
252 school, [including a technical high school,] or an institution of higher
253 education, as defined in section 10a-55, the clerk of the court shall,
254 upon the request of the victim, send, by facsimile or other means, a

255 copy of such order, or the information contained in such order, to such
256 school or institution of higher education, the president of any
257 institution of higher education at which the victim is enrolled and the
258 special police force established pursuant to section 10a-156b, if any, at
259 the institution of higher education at which the victim is enrolled. If
260 the victim or defendant is a student enrolled in a public elementary or
261 secondary school, including a technical high school, unless otherwise
262 requested by the victim, the clerk of the court shall send, by facsimile
263 or other means, a copy of such order, or the information contained in
264 such order, to the local or regional board of education responsible for
265 educating such student and the superintendent of schools of the school
266 district in which such student resides or attends school, or in the case
267 of a student enrolled in a technical high school, to the technical high
268 school system board and the superintendent of the technical high
269 school system, in accordance with the provisions of section 1 of this
270 act.

271 Sec. 7. Section 54-82q of the general statutes is repealed and the
272 following is substituted in lieu thereof (*Effective October 1, 2016*):

273 (a) Upon application of a prosecutorial official, a court may issue a
274 temporary restraining order prohibiting the harassment of a witness in
275 a criminal case if the court finds, from specific facts shown by affidavit
276 or verified complaint, that there are reasonable grounds to believe that
277 harassment of an identified witness in a criminal case exists or that
278 such order is necessary to prevent and restrain the commission of an
279 offense under section 53a-151 or 53a-151a.

280 (b) A temporary restraining order may be issued under this section
281 without written or oral notice to the adverse party or such party's
282 attorney if the court finds, upon written certification of facts by the
283 prosecutorial official, that such notice should not be required and that
284 there is a reasonable probability that the state will prevail on the
285 merits. A temporary restraining order shall set forth the reasons for the
286 issuance of such order, be specific in its terms and describe in
287 reasonable detail, and not by reference to the complaint or other

288 document, the act or acts being restrained.

289 (c) A temporary restraining order issued without notice under this
290 section shall be endorsed with the date and hour of issuance and be
291 filed forthwith in the office of the clerk of the court that issued the
292 order.

293 (d) A temporary restraining order issued under this section shall
294 expire at such time as the court directs, not to exceed ten days from
295 issuance. The court, for good cause shown before expiration of the
296 order, may extend the expiration date of the order for not more than
297 ten days or for a longer period if agreed to by the adverse party. If the
298 prosecutorial official files an application for a protective order
299 pursuant to section 54-82r, as amended by this act, prior to the
300 expiration date of the temporary restraining order, the temporary
301 restraining order shall remain in effect until the court makes a decision
302 on the issuance of such protective order.

303 (e) If, on two days' notice to the prosecutorial official or on such
304 shorter notice as the court may prescribe, the adverse party appears
305 and moves to dissolve or modify the temporary restraining order, the
306 court shall proceed to hear and determine such motion expeditiously.

307 (f) When a temporary restraining order is issued without notice, an
308 application for a protective order filed pursuant to section 54-82r, as
309 amended by this act, shall be privileged in assignment for hearing and
310 shall take precedence over all other matters except matters of the same
311 character, and, if the prosecutorial official does not proceed with such
312 application at such hearing, the temporary restraining order shall be
313 dissolved.

314 (g) If the identified witness in a criminal case or adverse party is a
315 student enrolled in a public elementary or secondary school, including
316 a technical high school, unless otherwise requested by the identified
317 witness in a criminal case, the clerk of the court shall send, by facsimile
318 or other means, a copy of the temporary restraining order issued under

319 this section, or the information contained in such temporary
320 restraining order, to the local or regional board of education
321 responsible for educating such student and the superintendent of
322 schools of the school district in which such student resides or attends
323 school, or in the case of a student enrolled in a technical high school, to
324 the technical high school system board and the superintendent of the
325 technical high school system, in accordance with the provisions of
326 section 1 of this act.

327 Sec. 8. Section 54-82r of the general statutes is repealed and the
328 following is substituted in lieu thereof (*Effective October 1, 2016*):

329 (a) Upon application of a prosecutorial official, a court may issue a
330 protective order prohibiting the harassment of a witness in a criminal
331 case if the court, after a hearing at which hearsay evidence shall be
332 admissible, finds by a preponderance of the evidence that harassment
333 of an identified witness in a criminal case exists or that such order is
334 necessary to prevent and restrain the commission of a violation of
335 section 53a-151 or 53a-151a. Any adverse party named in the complaint
336 has the right to present evidence and cross-examine witnesses at such
337 hearing. Such order shall be an order of the court, and the clerk of the
338 court shall cause a certified copy of such order to be sent to the
339 witness, and a copy of such order, or the information contained in such
340 order, to be sent by facsimile or other means within forty-eight hours
341 of its issuance to the appropriate law enforcement agency.

342 (b) A protective order shall set forth the reasons for the issuance of
343 such order, be specific in terms and describe in reasonable detail, and
344 not by reference to the complaint or other document, the act or acts
345 being restrained. A protective order issued under this section may
346 include provisions necessary to protect the witness from threats,
347 harassment, injury or intimidation by the adverse party including, but
348 not limited to, enjoining the adverse party from (1) imposing any
349 restraint upon the person or liberty of the witness, (2) threatening,
350 harassing, assaulting, molesting or sexually assaulting the witness, or
351 (3) entering the dwelling of the witness. Such order shall contain the

352 following language: "In accordance with section 53a-223 of the
 353 Connecticut general statutes, any violation of this order constitutes
 354 criminal violation of a protective order which is punishable by a term
 355 of imprisonment of not more than ten years, a fine of not more than ten
 356 thousand dollars, or both. Additionally, in accordance with section
 357 53a-107 of the Connecticut general statutes, entering or remaining in a
 358 building or any other premises in violation of this order constitutes
 359 criminal trespass in the first degree which is punishable by a term of
 360 imprisonment of not more than one year, a fine of not more than two
 361 thousand dollars, or both.". If the adverse party is the defendant in the
 362 criminal case, such order shall be made a condition of the bail or
 363 release of the defendant and shall also contain the following language:
 364 "Violation of this order also violates a condition of your bail or release
 365 and may result in raising the amount of bail or revoking release.".

366 (c) The protective order shall remain in effect for the duration of the
 367 criminal case except as otherwise ordered by the court.

368 (d) If a protected witness in a criminal case or an adverse party is a
 369 student enrolled in a public elementary or secondary school, including
 370 a technical high school, unless otherwise requested by the protected
 371 witness in a criminal case, the clerk of the court shall send, by facsimile
 372 or other means, a copy of the protective order issued under this
 373 section, or the information contained in such protective order, to the
 374 local or regional board of education responsible for educating such
 375 student and the superintendent of schools of the school district in
 376 which such student resides or attends school, or in the case of a
 377 student enrolled in a technical high school, to the technical high school
 378 system board and the superintendent of the technical high school
 379 system, in accordance with the provisions of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	New section
Sec. 2	October 1, 2016	46b-15(g)

Sec. 3	<i>October 1, 2016</i>	46b-16a(d)
Sec. 4	<i>October 1, 2016</i>	46b-38c(d)
Sec. 5	<i>October 1, 2016</i>	53a-40e
Sec. 6	<i>October 1, 2016</i>	54-1k(a)
Sec. 7	<i>October 1, 2016</i>	54-82q
Sec. 8	<i>October 1, 2016</i>	54-82r

Statement of Legislative Commissioners:

In Section 1, added reference to section 54-76l for consistency and deleted "or supervisory agent" for accuracy. In Sections 1 to 8, inclusive, references to "technical high school system board" and "superintendent of the technical high school system" were added for consistency.

ED *Joint Favorable Subst.*