



General Assembly

February Session, 2016

**Raised Bill No. 442**

LCO No. 2917



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM A PERSON ACCUSED OF COMMITTING A CRIME.***

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

1 Section 1. Subsection (a) of section 29-36k of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2016*):

4 (a) Not later than two business days after the occurrence of any  
5 event that makes a person ineligible to possess a pistol or revolver or  
6 other firearm or ammunition, such person shall (1) transfer in  
7 accordance with section 29-33 all pistols and revolvers which such  
8 person then possesses to any person eligible to possess a pistol or  
9 revolver and transfer in accordance with any applicable state and  
10 federal laws all other firearms to any person eligible to possess such  
11 other firearms by obtaining an authorization number for the sale or  
12 transfer of the firearm from the Commissioner of Emergency Services  
13 and Public Protection, and submit a sale or transfer of firearms form to  
14 said commissioner within two business days, except that a person

15 subject to a restraining or protective order or a foreign order of  
16 protection may only transfer a pistol, revolver or other firearm or  
17 ammunition under this subdivision to a federally licensed firearms  
18 dealer pursuant to the sale of the pistol, revolver or other firearm and  
19 ammunition to the federally licensed firearms dealer, or (2) deliver or  
20 surrender such pistols and revolvers and other firearms and  
21 ammunition to the Commissioner of Emergency Services and Public  
22 Protection, or (3) transfer such ammunition to any person eligible to  
23 possess such ammunition. The commissioner shall exercise due care in  
24 the receipt and holding of such pistols and revolvers and other  
25 firearms or ammunition. In any matter involving a person subject to a  
26 restraining or protective order or a foreign order of protection, the  
27 commissioner shall, not later than seven days after the date of entry of  
28 a restraining or protective order or a foreign order of protection,  
29 provide written notice of compliance with the provisions of this  
30 subsection to the person protected by such order. For the purposes of  
31 this section, a "person subject to a restraining or protective order or a  
32 foreign order of protection" means a person who knows that such  
33 person is subject to (A) a restraining or protective order of a court of  
34 this state that has been issued against such person, after notice and an  
35 opportunity to be heard has been provided to such person, in a case  
36 involving the use, attempted use or threatened use of physical force  
37 against another person, or (B) a foreign order of protection, as defined  
38 in section 46b-15a, that has been issued against such person in a case  
39 involving the use, attempted use or threatened use of physical force  
40 against another person.

41 Sec. 2. Subsection (g) of section 54-56l of the 2016 supplement to the  
42 general statutes is repealed and the following is substituted in lieu  
43 thereof (*Effective October 1, 2016*):

44 (g) Any person who enters the program shall agree: (1) To the  
45 tolling of the statute of limitations with respect to such crime or  
46 violation; (2) to a waiver of such person's right to a speedy trial; [and]  
47 (3) to, prior to being accepted into the program, transfer, deliver or

48 surrender any pistol, revolver, other firearm or ammunition in  
49 accordance with section 29-36k, as amended by this act; and (4) to any  
50 conditions that may be established by the division concerning  
51 participation in the supervised diversionary program including  
52 conditions concerning participation in meetings or sessions of the  
53 program.

54 Sec. 3. Subsection (b) of section 54-56e of the 2016 supplement to the  
55 general statutes is repealed and the following is substituted in lieu  
56 thereof (*Effective October 1, 2016*):

57 (b) The court may, in its discretion, invoke such program on motion  
58 of the defendant or on motion of a state's attorney or prosecuting  
59 attorney with respect to a defendant (1) who, the court believes, will  
60 probably not offend in the future, (2) who has no previous record of  
61 conviction of a crime or of a violation of section 14-196, subsection (c)  
62 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
63 subsection (b) of section 14-224 or section 14-227a, and (3) who states  
64 under oath, in open court or before any person designated by the clerk  
65 and duly authorized to administer oaths, under the penalties of  
66 perjury, (A) that the defendant has never had such program invoked  
67 on the defendant's behalf or that the defendant was charged with a  
68 misdemeanor or a motor vehicle violation for which a term of  
69 imprisonment of one year or less may be imposed and ten or more  
70 years have passed since the date that any charge or charges for which  
71 the program was invoked on the defendant's behalf were dismissed by  
72 the court, or (B) with respect to a defendant who is a veteran, that the  
73 defendant has not had such program invoked in the defendant's behalf  
74 more than once previously. [ provided the defendant shall agree  
75 thereto and provided notice has been given by the defendant,] The  
76 clerk of the court shall provide written notice of the defendant's  
77 application, on a form prescribed by the Office of the Chief Court  
78 Administrator, to the victim or victims of such crime or motor vehicle  
79 violation, if any, by registered or certified mail and such victim or  
80 victims have an opportunity to be heard thereon. Any defendant who

81 makes application for participation in such program shall pay to the  
82 court an application fee of thirty-five dollars. No defendant shall be  
83 allowed to participate in the pretrial program for accelerated  
84 rehabilitation more than two times. For the purposes of this section,  
85 "veteran" means any person who was discharged or released under  
86 conditions other than dishonorable from active service in the armed  
87 forces as defined in section 27-103.

88 Sec. 4. Section 54-222a of the general statutes is repealed and the  
89 following is substituted in lieu thereof (*Effective October 1, 2016*):

90 (a) Whenever a peace officer determines that a crime has been  
91 committed, such officer shall: (1) Render immediate assistance to any  
92 crime victim, including obtaining medical assistance for any such  
93 crime victim if such assistance is required; (2) present a card prepared  
94 by the Office of the Chief Court Administrator to the crime victim  
95 informing the crime victim of services available and the rights of crime  
96 victims in this state; and (3) refer the crime victim to the Office of  
97 Victim Services for additional information on rights and services. A  
98 peace officer shall not be liable for failing to present an informational  
99 card to any crime victim as provided in subdivision (2) of this  
100 subsection or for failing to refer any crime victim to the Office of  
101 Victim Services as provided in subdivision (3) of this subsection. For  
102 the purposes of this subsection, "crime victim" has the same meaning  
103 as provided in section 1-1k.

104 (b) Whenever a peace officer effectuates an arrest, either with or  
105 without a warrant, and there is an identified crime victim relating to  
106 such arrest, the peace officer shall immediately provide notification to  
107 the crime victim of: (1) The date and time of the arrest; (2) the name of  
108 the person arrested; (3) the crimes alleged to have been committed by  
109 the person arrested; (4) the bond set in connection with the person's  
110 arrest, if any; (5) if the person arrested was released without execution  
111 of a bond, the conditions of release imposed by the court; (6) the date  
112 of the initial court appearance for the person arrested; and (7) the

113 location of the court where such initial court appearance is to occur.

114 [(b)] (c) The Commissioner of Emergency Services and Public  
115 Protection shall adopt regulations in accordance with chapter 54 to  
116 implement the provisions of [subsection (a) of] this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	29-36k(a)
Sec. 2	<i>October 1, 2016</i>	54-56l(g)
Sec. 3	<i>October 1, 2016</i>	54-56e(b)
Sec. 4	<i>October 1, 2016</i>	54-222a

**Statement of Purpose:**

To afford greater protections to crime victims.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*