

**Proposed Substitute
Bill No. 319**

LCO No. 3338

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

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

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32 repealed and the following is substituted in lieu thereof (*Effective*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

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

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

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

81 (d) The applicant shall cause notice of the hearing pursuant to
82 subsection (b) of this section and a copy of the application and the
83 applicant's affidavit and of any ex parte order issued pursuant to
84 subsection (b) of this section to be served by a proper officer on the
85 respondent not less than five days before the hearing. The cost of such
86 service shall be paid for by the Judicial Branch. Upon the granting of
87 an ex parte order, the clerk of the court shall provide two copies of the

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

123 educating such student and the superintendent of schools of the school
124 district in which such person resides or attends school, in accordance
125 with the provisions of section 1 of this act.

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

129 (d) In all cases of family violence, a written or oral report that
130 indicates whether the parties in the family violence case are parties to a
131 case pending on the family relations docket of the Superior Court and
132 includes recommendation of the local family violence intervention unit
133 shall be available to a judge at the first court date appearance to be
134 presented at any time during the court session on that date. A judge of
135 the Superior Court may consider and impose the following conditions
136 to protect the parties, including, but not limited to: (1) Issuance of a
137 protective order pursuant to subsection (e) of this section; (2)
138 prohibition against subjecting the victim to further violence; (3) referral
139 to a family violence education program for persons who commit acts
140 of family violence; and (4) immediate referral for more extensive case
141 assessment. Such protective order shall be an order of the court, and
142 the clerk of the court shall cause (A) a copy of such order to be sent to
143 the victim, and (B) a copy of such order, or the information contained
144 in such order, to be sent by facsimile or other means within forty-eight
145 hours of its issuance to the law enforcement agency for the town in
146 which the victim resides and, if the defendant resides in a town
147 different from the town in which the victim resides, to the law
148 enforcement agency for the town in which the defendant resides. If the
149 victim is employed in a town different from the town in which the
150 victim resides, the clerk of the court shall, upon the request of the
151 victim, send, by facsimile or other means, a copy of such order, or the
152 information contained in such order, to the law enforcement agency
153 for the town in which the victim is employed not later than forty-eight
154 hours after the issuance of such order. If the victim is enrolled in a
155 [public or] private elementary or secondary school, [including a
156 technical high school,] or an institution of higher education, as defined

157 in section 10a-55, the clerk of the court shall, upon the request of the
158 victim, send, by facsimile or other means, a copy of such order, or the
159 information contained in such order, to such school or institution of
160 higher education, the president of any institution of higher education
161 at which the victim is enrolled and the special police force established
162 pursuant to section 10a-156b, if any, at the institution of higher
163 education at which the victim is enrolled. If the victim or defendant is
164 a student enrolled in a public elementary or secondary school,
165 including a technical high school, unless otherwise requested by the
166 victim, the clerk of the court shall send, by facsimile or other means, a
167 copy of such order, or the information contained in such order, to the
168 local or regional board of education responsible for educating such
169 student and the superintendent of schools of the school district in
170 which such student resides or attends school, in accordance with the
171 provisions of section 1 of this act.

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

174 (a) If any person is convicted of (1) a violation of subdivision (1) or
175 (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60,
176 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b, 53a-70c, 53a-71, 53a-
177 72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b, 53a-183,
178 53a-223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of
179 said sections or section 53a-54a, or (2) any crime that the court
180 determines constitutes a family violence crime, as defined in section
181 46b-38a, or attempt or conspiracy to commit any such crime, the court
182 may, in addition to imposing the sentence authorized for the crime
183 under section 53a-35a or 53a-36, if the court is of the opinion that the
184 history and character and the nature and circumstances of the criminal
185 conduct of such offender indicate that a standing criminal protective
186 order will best serve the interest of the victim and the public, issue a
187 standing criminal protective order which shall remain in effect for a
188 duration specified by the court until modified or revoked by the court
189 for good cause shown. If any person is convicted of any crime not
190 specified in subdivision (1) or (2) of this subsection, the court may, for

191 good cause shown, issue a standing criminal protective order pursuant
192 to this subsection.

193 (b) Such standing criminal protective order may include, but need
194 not be limited to, provisions enjoining the offender from (1) imposing
195 any restraint upon the person or liberty of the victim; (2) threatening,
196 harassing, assaulting, molesting, sexually assaulting or attacking the
197 victim; or (3) entering the family dwelling or the dwelling of the
198 victim.

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

204 (d) If the victim or offender is a student enrolled in a public
205 elementary or secondary school, including a technical high school,
206 unless otherwise requested by the victim, the clerk of the court shall
207 send, by facsimile or other means, a copy of such standing criminal
208 protective order, or the information contained in such standing
209 criminal protective order, to the local or regional board of education
210 responsible for educating such student and the superintendent of
211 schools of the school district in which such student resides or attends
212 school, in accordance with the provisions of section 1 of this act.

213 [(d)] (e) For the purposes of this section and any other provision of
214 the general statutes, "standing criminal protective order" means (1) a
215 standing criminal restraining order issued prior to October 1, 2010, or
216 (2) a standing criminal protective order issued on or after October 1,
217 2010.

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

221 (a) Upon the arrest of a person for a violation of subdivision (1) or

222 (2) of subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70c,
223 53a-71, 53a-72a, 53a-72b or 53a-73a, or any attempt thereof, or section
224 53a-181c, 53a-181d or 53a-181e, the court may issue a protective order
225 pursuant to this section. Upon the arrest of a person for a violation of
226 section 53a-182b or 53a-183, the court may issue a protective order
227 pursuant to this section if it finds that such violation caused the victim
228 to reasonably fear for his or her physical safety. Such order shall be an
229 order of the court, and the clerk of the court shall cause (1) a copy of
230 such order, or the information contained in such order, to be sent to
231 the victim, and (2) a copy of such order, or the information contained
232 in such order, to be sent by facsimile or other means not later than
233 forty-eight hours after its issuance to the law enforcement agency or
234 agencies for the town in which the victim resides, the town in which
235 the victim is employed and the town in which the defendant resides. If
236 the victim is enrolled in a [public or] private elementary or secondary
237 school, [including a technical high school,] or an institution of higher
238 education, as defined in section 10a-55, the clerk of the court shall,
239 upon the request of the victim, send, by facsimile or other means, a
240 copy of such order, or the information contained in such order, to such
241 school or institution of higher education, the president of any
242 institution of higher education at which the victim is enrolled and the
243 special police force established pursuant to section 10a-156b, if any, at
244 the institution of higher education at which the victim is enrolled. If
245 the victim or defendant is a student enrolled in a public elementary or
246 secondary school, including a technical high school, unless otherwise
247 requested by the victim, the clerk of the court shall send, by facsimile
248 or other means, a copy of such order, or the information contained in
249 such order, to the local or regional board of education responsible for
250 educating such student and the superintendent of schools of the school
251 district in which such student resides or attends school, in accordance
252 with the provisions of section 1 of this act.

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

255 (a) Upon application of a prosecutorial official, a court may issue a

256 temporary restraining order prohibiting the harassment of a witness in
257 a criminal case if the court finds, from specific facts shown by affidavit
258 or verified complaint, that there are reasonable grounds to believe that
259 harassment of an identified witness in a criminal case exists or that
260 such order is necessary to prevent and restrain the commission of an
261 offense under section 53a-151 or 53a-151a.

262 (b) A temporary restraining order may be issued under this section
263 without written or oral notice to the adverse party or such party's
264 attorney if the court finds, upon written certification of facts by the
265 prosecutorial official, that such notice should not be required and that
266 there is a reasonable probability that the state will prevail on the
267 merits. A temporary restraining order shall set forth the reasons for the
268 issuance of such order, be specific in its terms and describe in
269 reasonable detail, and not by reference to the complaint or other
270 document, the act or acts being restrained.

271 (c) A temporary restraining order issued without notice under this
272 section shall be endorsed with the date and hour of issuance and be
273 filed forthwith in the office of the clerk of the court that issued the
274 order.

275 (d) A temporary restraining order issued under this section shall
276 expire at such time as the court directs, not to exceed ten days from
277 issuance. The court, for good cause shown before expiration of the
278 order, may extend the expiration date of the order for not more than
279 ten days or for a longer period if agreed to by the adverse party. If the
280 prosecutorial official files an application for a protective order
281 pursuant to section 54-82r prior to the expiration date of the temporary
282 restraining order, the temporary restraining order shall remain in
283 effect until the court makes a decision on the issuance of such
284 protective order.

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

289 (f) When a temporary restraining order is issued without notice, an
290 application for a protective order filed pursuant to section 54-82r shall
291 be privileged in assignment for hearing and shall take precedence over
292 all other matters except matters of the same character, and, if the
293 prosecutorial official does not proceed with such application at such
294 hearing, the temporary restraining order shall be dissolved.

295 (g) If the identified witness in a criminal case or adverse party is a
296 student enrolled in a public elementary or secondary school, including
297 a technical high school, unless otherwise requested by the identified
298 witness in a criminal case, the clerk of the court shall send, by facsimile
299 or other means, a copy of the temporary restraining order issued under
300 this section, or the information contained in such temporary
301 restraining order, to the local or regional board of education
302 responsible for educating such student and the superintendent of
303 schools of the school district in which such student resides or attends
304 school, in accordance with the provisions of section 1 of this act.

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

307 (a) Upon application of a prosecutorial official, a court may issue a
308 protective order prohibiting the harassment of a witness in a criminal
309 case if the court, after a hearing at which hearsay evidence shall be
310 admissible, finds by a preponderance of the evidence that harassment
311 of an identified witness in a criminal case exists or that such order is
312 necessary to prevent and restrain the commission of a violation of
313 section 53a-151 or 53a-151a. Any adverse party named in the complaint
314 has the right to present evidence and cross-examine witnesses at such
315 hearing. Such order shall be an order of the court, and the clerk of the
316 court shall cause a certified copy of such order to be sent to the
317 witness, and a copy of such order, or the information contained in such
318 order, to be sent by facsimile or other means within forty-eight hours
319 of its issuance to the appropriate law enforcement agency.

320 (b) A protective order shall set forth the reasons for the issuance of
321 such order, be specific in terms and describe in reasonable detail, and

322 not by reference to the complaint or other document, the act or acts
323 being restrained. A protective order issued under this section may
324 include provisions necessary to protect the witness from threats,
325 harassment, injury or intimidation by the adverse party including, but
326 not limited to, enjoining the adverse party from (1) imposing any
327 restraint upon the person or liberty of the witness, (2) threatening,
328 harassing, assaulting, molesting or sexually assaulting the witness, or
329 (3) entering the dwelling of the witness. Such order shall contain the
330 following language: "In accordance with section 53a-223 of the
331 Connecticut general statutes, any violation of this order constitutes
332 criminal violation of a protective order which is punishable by a term
333 of imprisonment of not more than ten years, a fine of not more than ten
334 thousand dollars, or both. Additionally, in accordance with section
335 53a-107 of the Connecticut general statutes, entering or remaining in a
336 building or any other premises in violation of this order constitutes
337 criminal trespass in the first degree which is punishable by a term of
338 imprisonment of not more than one year, a fine of not more than two
339 thousand dollars, or both.". If the adverse party is the defendant in the
340 criminal case, such order shall be made a condition of the bail or
341 release of the defendant and shall also contain the following language:
342 "Violation of this order also violates a condition of your bail or release
343 and may result in raising the amount of bail or revoking release."

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

346 (d) If a protected witness in a criminal case or an adverse party is a
347 student enrolled in a public elementary or secondary school, including
348 a technical high school, unless otherwise requested by the protected
349 witness in a criminal case, the clerk of the court shall send, by facsimile
350 or other means, a copy of the protective order issued under this
351 section, or the information contained in such protective order, to the
352 local or regional board of education responsible for educating such
353 student and the superintendent of schools of the school district in
354 which such student resides or attends school, in accordance with the
355 provisions of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	New section
Sec. 2	<i>October 1, 2016</i>	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