



Connecticut Coalition Against Domestic Violence

Member Organizations

The Umbrella Center for Domestic Violence Services
Ansonia, CT

The Center for Family Justice
Bridgeport, CT

Women's Center
Danbury, CT

Domestic Violence Program United Services
Dayville, CT

Network Against Domestic Abuse
Enfield, CT

Domestic Abuse Services Greenwich YWCA
Greenwich, CT

Interval House
Hartford, CT

Chrysalis Domestic Violence Services
Meriden, CT

New Horizons
Middletown, CT

Prudence Crandall Center
New Britain, CT

The Umbrella Center for Domestic Violence Services
New Haven, CT

Safe Futures
New London, CT

Domestic Violence Crisis Center
Norwalk, CT

Women's Support Services
Sharon, CT

Domestic Violence Crisis Center
Stamford, CT

Susan B. Anthony Project
Torrington, CT

Safe Haven
Waterbury, CT

Domestic Violence Program United Services
Willimantic, CT

Testimony Regarding

SB 693, AAC Additional Housing Protections for a Victim of Family Violence or Sexual Assault

HB 7396, AAC Parity in Sexual Assault in the Case of Spousal or Cohabiting Relationships and Other Crimes of Sexual Assault and Concerning the Investigation of a Family Violence Crime

SB 3, AAC Sexual Assault and Sexual Harassment

SB 689, AAC the Issuance of Ex Parte Restraining Orders

HB 7399, AAC Legal Protections for the Victims of Human Trafficking and the Protection of Minors from Cyber Exploitation

HB 7401, AAC a Study of Victim Services

Judiciary Committee
April 1, 2019

Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Rebimbas and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those who serve them. Our 18 member organizations provide essential services to nearly 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

Senate Bill 693 – Support (CCADV Priority Bill)

This bill will require landlords to change the locks on the individual dwelling unit of a survivor of domestic or sexual violence when they have a court-issued restraining or protective order, or civil protection order. The landlord would have two business days to comply with the request and is permitted to charge the actual reasonable cost of the lock change back to the tenant. Additional protections are included for both the tenant (e.g., may change the locks themselves if the landlord does not comply) and landlord (e.g., may deduct the actual reasonable cost from the security deposit if the tenant does not pay for the lock change). The language also addresses offenders who reside in the dwelling unit and are listed as the respondent on an order of protection making it clear that the landlord shall not provide them with a key to the new locks nor, given the existence of an order of protection excluding them from the resident, that the landlord has any duty under the rental agreement to give the respondent access to the unit.

Currently nothing in Connecticut law requires a landlord to change the locks of an individual dwelling unit at the request of a tenant when their safety is threatened. Unfortunately many survivors have had such a request denied by their landlord. For a survivor who has been granted a court order of protection it can be frightening to know that the person who is abusing them still has easy access to their home despite a court recognizing that this person poses a serious risk to them. Requiring landlords to change locks in these limited circumstances can have a significantly positive impact on what is a traumatic time for the tenant.

It was our intent with the language to provide a meaningful measure of safety and peace of mind for victims, while not making the lock change overly burdensome on

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landlords or have them bear the expense. Victims who have their locks changed can submit an application to the Judicial Branch Office of Victims Services for victim compensation to cover the cost of the lock change. Several states (Maryland, Massachusetts, North Carolina, Oregon, Utah, Washington) and Washington, DC have laws requiring lock changes for survivors under certain circumstances. We urge you to support this bill and add Connecticut to that list.

HB 7396 – Support with requested substitute language (CCADV Priority Bill)

Sections 1 – 41 & 43 of the bill repeal the state's separate spousal rape law (CGS § 53a-70b) and make conforming changes throughout statute. Implemented in the early 1980s, the separate statute created a carve-out intended to protect victims of sexual violence who were married to or living with their abuser. This was likely necessary at the time to recognize that individuals do not have a right to sex with their partner because they are married or live together and that forced sexual intercourse in these situations does in fact constitute rape. The separate statute has also been necessary because the definitions section (CGS § 53a-65) of the sexual violence statutes specifically excludes married couples from the definitions of "sexual intercourse" and "sexual contact".

The result of the existing statutory scheme is that some victims of sexual violence cannot access various legal protections based on their relationship with their abuser. Currently, victims who are married to or living with their abuser are not protected under "sexual assault in the 3rd degree" (CGS § 53a-72a), which includes unwanted sexual contact by force or threat of force. Because the separate statute for "sexual assault in spousal or cohabiting relationships" is limited to "sexual intercourse" by the "use of force" or "threat of use of force", these individuals who are married to their abuser have no legal protection from unwanted "sexual contact" by "use of force" or "threat of use of force".

The current penalty for sexual assault in a spousal or cohabiting relationship (Class B felony, 2 years of sentence cannot be reduced or suspended) is similar to the penalty for first degree sexual assault (CGS § 53a-72b), providing these victims with some level of comparable protection to other victims of rape. However, they are not protected under the state's "aggravated sexual assault in the 1st degree" statute, which requires a minimum sentence of 10 years, 5 years of which cannot be reduced or suspended.

We believe that it's time to repeal the separate statute for sexual violence in spousal or cohabiting relationships and ensure that married and cohabiting individuals are protected under each of the state's sexual violence statutes intended to protect adult victims. All victims of sexual assault should have equal protections under the law regardless of their relationship to the person who assaulted them.

Requested substitute language:

In addition to repealing 53a-70b, the definitions of "sexual intercourse" and "sexual contact" must be updated to remove the carve-out of married persons. We suggest the following changes:

Lines 528 – 529: bracket "Its meaning is limited to person not married to each other."

Line 535: bracket "not married to the actor"

Line 537 – 538: bracket "not married to the actor"

Line 680: bracket "53a-70b,"

Section 42 of the bill seeks to make a minor clarification to an exemption added last session to the state's family violence arrest law. Proponents of the language added last session had concerns about making family violence arrests in certain situations where two individuals may live together but are not in a dating relationship. A carve-out was added in Public Act 18-5 for individuals who are not in a dating relationship and who live in on-campus housing or rented dwelling units. The language included in Section 42 of this bill adds off-campus housing "owned, managed or operated" by an institution of higher education, while also making it clear that family violence arrest laws still apply to individuals living in housing managed by a college/university or in rented dwelling units if the individuals are married, related by blood, have a child in common, or are in a dating relationship.

Requested substitute language:

Line 1102: bracket "and"; add "or" after "46b-38a,"

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SB 3 - Support

This bill eliminates the statute of limitation for most sexual assault crimes and extends others beyond the 5 years currently available. The bill also eliminates the civil statute of limitations for sexual assault crimes (currently 3 years). Twenty-five (25) states have no statute of limitations and 19 states have a longer statute of limitations than Connecticut. Our statute of limitations is the third shortest in the country and the shortest overall in New England.

Many victims of domestic violence experience sexual assault at the hands of their abuser – it is a common tactic they use to exert power and control over their victim. Victims need time to heal and may not feel safe coming forward. They face multiple barriers reporting immediately after the assault and choose very carefully if, when and to whom they will disclose. In addition to coping with the impact of trauma experienced by the assault, survivors often face threats by the offender or their family members and friends, and risk being blamed, shamed or scrutinized for their assault.

Eliminating the statute of limitations does not change the burden of proof required for a criminal case to move forward. Prosecutors do not bring cases unless there is enough evidence to do so as they are prohibited from doing so under the legal code of ethics.

The opportunity to seek justice should not have an expiration date. We commend the leadership of our sister coalition, CT Alliance to End Sexual Violence, in providing justice for victims by leading the elimination of Connecticut's statute of limitations for sexual assault.

SB 689 - Support

This bill adds language to the state's domestic violence restraining order statute (CGS 46b-15) that provides judges with the authority to consider imminent physical danger when granting an ex parte restraining order. Currently the state's ex parte order is limited to circumstances in which the victim faces "immediate and present physical danger." Hearings are held within 14 days of an application for a restraining order when no ex parte order is granted or in cases when an ex parte order is granted and the respondent does not hold a firearm permit or certificate; hearings are held within 7 days of ex parte orders granted where the respondent does have a firearm permit or certificate. The ex parte or temporary order protects the victim between the date of the application and the hearing. By giving judges the ability to consider imminent danger that may be present prior to the restraining order hearing, they can consider issuing the temporary order when, for instance, the respondent is jailed but will be released prior to the hearing. We believe this small change will be beneficial for some victims and urge the Committee's support.

HB 7399 – Support with requested changes

This bill seeks to strengthen policies aimed at protecting victims of human trafficking, which CCADV supports. However, **we ask that the Committee please remove language added to CGS 52-146k in Section 2 of the bill and place the language in a separate, "new" statute.**

CGS 52-146k outlines privileged communications for domestic violence counselors and sexual assault counselors. Section 2 of the bill seeks to establish privileged communication for "child anti-trafficking counselors" who are engaged in work at a "child anti-trafficking agency." There may ultimately be differences in how privilege is applied to advocates working with adult domestic and sexual violence victims and how it may be applied to advocates working with child victims of trafficking.

We support child anti-trafficking counselors having privileged communications in a manner that is appropriate to meet the needs of their clients coupled with how other entities handle cases involving minors. However, because of potential conflicts in how this privilege might work with the privilege already established for domestic violence and sexual assault counselors, we ask that you please establish the process proposed in this bill in a separate, new statute and make the other necessary conforming changes throughout the bill.

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HB 7401 – Support with requested changes

This bill proposes establishing a working group to study victim services and make recommendations for legislation to improve, enhance or streamline the provision of such services. Current working group membership appears to be limited to a variety of government agencies/officials. We think the working group is a great idea that could yield significantly impactful changes to how Connecticut provides services to victims of crime. However, we think it would be a mistake to not include advocates from some of the many community-based victim service organizations serving victims throughout the state. It is our community-based organizations that are utilized by the state to provide a substantial amount of services to victims of crime. These organizations should be represented in this working group.

Thank you for your consideration and please do not hesitate to contact me with questions.

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