



# Senate

General Assembly

**File No. 617**

January Session, 2021

Substitute Senate Bill No. 1091

*Senate, April 26, 2021*

The Committee on Judiciary reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.***

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

1 Section 1. Section 46b-1 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) Matters within the jurisdiction of the Superior Court deemed to  
4 be family relations matters shall be matters affecting or involving: (1)  
5 Dissolution of marriage, contested and uncontested, except dissolution  
6 upon conviction of crime as provided in section [46b-47] ~~46b-48~~; (2) legal  
7 separation; (3) annulment of marriage; (4) alimony, support, custody  
8 and change of name incident to dissolution of marriage, legal separation  
9 and annulment; (5) actions brought under section 46b-15, as amended  
10 by this act; (6) complaints for change of name; (7) civil support  
11 obligations; (8) habeas corpus and other proceedings to determine the  
12 custody and visitation of children; (9) habeas corpus brought by or on

13 behalf of any mentally ill person except a person charged with a criminal  
14 offense; (10) appointment of a commission to inquire whether a person  
15 is wrongfully confined as provided by section 17a-523; (11) juvenile  
16 matters as provided in section 46b-121; (12) all rights and remedies  
17 provided for in chapter 815j; (13) the establishing of paternity; (14)  
18 appeals from probate concerning: (A) Adoption or termination of  
19 parental rights; (B) appointment and removal of guardians; (C) custody  
20 of a minor child; (D) appointment and removal of conservators; (E)  
21 orders for custody of any child; and (F) orders of commitment of persons  
22 to public and private institutions and to other appropriate facilities as  
23 provided by statute; (15) actions related to prenuptial and separation  
24 agreements and to matrimonial and civil union decrees of a foreign  
25 jurisdiction; (16) dissolution, legal separation or annulment of a civil  
26 union performed in a foreign jurisdiction; (17) custody proceedings  
27 brought under the provisions of chapter 815p; and (18) all such other  
28 matters within the jurisdiction of the Superior Court concerning  
29 children or family relations as may be determined by the judges of said  
30 court.

31 (b) As used in this title, unless the context otherwise requires,  
32 "domestic violence" means: (1) A continuous threat of present physical  
33 pain or physical injury against a family or household member, as  
34 defined in section 46b-38a; (2) stalking, including but not limited to,  
35 stalking as described in section 53a-181d, of such family or household  
36 member; (3) a pattern of threatening, including but not limited to, a  
37 pattern of threatening as described in section 53a-62, of such family or  
38 household member or a third party with intent to intimidate such family  
39 or household member; or (4) coercive control of such family or  
40 household member, which is a pattern of behavior that in purpose or  
41 effect unreasonably interferes with a person's free will and personal  
42 liberty. "Coercive control" includes, but is not limited to, unreasonably  
43 engaging in any of the following:

44 (A) Isolating the family or household member from friends, relatives  
45 or other sources of support;

46 (B) Depriving the family or household member of basic necessities;

47 (C) Controlling, regulating or monitoring the family or household  
48 member's movements, communications, daily behavior, finances,  
49 economic resources or access to services;

50 (D) Compelling the family or household member by force, threat or  
51 intimidation, including, but not limited to, threats based on actual or  
52 suspected immigration status, to (i) engage in conduct from which such  
53 family or household member has a right to abstain, or (ii) abstain from  
54 conduct that such family or household member has a right to pursue;

55 (E) Committing or threatening to commit cruelty to animals that  
56 intimidates the applicant; or

57 (F) Forced sex acts, or threats of a sexual nature, including, but not  
58 limited to, threatened acts of sexual conduct, threats based on a person's  
59 sexuality or threats to release sexual images.

60 Sec. 2. Section 46b-15 of the general statutes is repealed and the  
61 following is substituted in lieu thereof (*Effective October 1, 2021*):

62 (a) Any family or household member, as defined in section 46b-38a,  
63 who [has been subjected to a continuous threat of present physical pain  
64 or physical injury, stalking or a pattern of threatening, including, but  
65 not limited to, a pattern of threatening, as described in section 53a-62,  
66 by another family or household member] is the victim of domestic  
67 violence by another family or household member may make an  
68 application to the Superior Court for relief under this section. The court  
69 shall provide any person who applies for relief under this section with  
70 the information set forth in section 46b-15b. As used in this section,  
71 "domestic violence" means (1) A continuous threat of present physical  
72 pain or physical injury against the applicant; (2) stalking, including but  
73 not limited to, stalking as described in section 53a-181d, of the applicant;  
74 (3) a pattern of threatening, including but not limited to, a pattern of  
75 threatening as described in section 53a-62, of the applicant or a third  
76 party with intent to intimidate the applicant; or (4) coercive control of

77 the applicant, which is a pattern of behavior that in purpose or effect  
78 unreasonably interferes with the applicant's free will and personal  
79 liberty. "Coercive control" includes, but is not limited to, unreasonably  
80 engaging in any of the following:

81 (A) Isolating the applicant from friends, relatives or other sources of  
82 support;

83 (B) Depriving the applicant of basic necessities;

84 (C) Controlling, regulating or monitoring the applicant's movements,  
85 communications, daily behavior, finances, economic resources or access  
86 to services;

87 (D) Compelling the applicant by force, threat or intimidation,  
88 including threats based on actual or suspected immigration status, to (i)  
89 engage in conduct from which such applicant has a right to abstain, or  
90 (ii) abstain from conduct that such applicant has a right to pursue;

91 (E) Committing or threatening to commit cruelty to animals that  
92 intimidates the applicant; or

93 (F) Forced sex acts with the applicant, or making threats of a sexual  
94 nature to the applicant, including, but not limited to, threatened acts of  
95 sexual conduct, threats based on a person's sexuality or threats to release  
96 sexual images involving the applicant.

97 (b) The application form shall allow the applicant, at the applicant's  
98 option, to indicate whether the respondent holds a permit to carry a  
99 pistol or revolver, an eligibility certificate for a pistol or revolver, a long  
100 gun eligibility certificate or an ammunition certificate or possesses one  
101 or more firearms or ammunition. The application shall be accompanied  
102 by [an affidavit made under oath which includes a brief] a statement of  
103 the conditions from which relief is sought made under penalty of false  
104 statement pursuant to section 53a-157b. Upon receipt of the application  
105 the court shall order that a hearing on the application be held not later  
106 than fourteen days from the date of the order except that, if the  
107 application indicates that the respondent holds a permit to carry a pistol

108 or revolver, an eligibility certificate for a pistol or revolver, a long gun  
109 eligibility certificate or an ammunition certificate or possesses one or  
110 more firearms or ammunition, and the court orders an ex parte order,  
111 the court shall order that a hearing be held on the application not later  
112 than seven days from the date on which the ex parte order is issued. The  
113 court, in its discretion, may make such orders as it deems appropriate  
114 for the protection of the applicant and such dependent children or other  
115 persons as the court sees fit. In making such orders ex parte, the court,  
116 in its discretion, may consider relevant court records if the records are  
117 available to the public from a clerk of the Superior Court or on the  
118 Judicial Branch's Internet web site. In addition, at the time of the  
119 hearing, the court, in its discretion, may also consider a report prepared  
120 by the family services unit of the Judicial Branch that may include, as  
121 available: Any existing or prior orders of protection obtained from the  
122 protection order registry; information on any pending criminal case or  
123 past criminal case in which the respondent was convicted of a violent  
124 crime; any outstanding arrest warrant for the respondent; and the  
125 respondent's level of risk based on a risk assessment tool utilized by the  
126 Court Support Services Division. The report may also include  
127 information pertaining to any pending or disposed family matters case  
128 involving the applicant and respondent. Any report provided by the  
129 Court Support Services Division to the court shall also be provided to  
130 the applicant and respondent. Such orders may include temporary child  
131 custody or visitation rights, and such relief may include, but is not  
132 limited to, an order enjoining the respondent from (1) imposing any  
133 restraint upon the person or liberty of the applicant; (2) threatening,  
134 harassing, assaulting, molesting, sexually assaulting or attacking the  
135 applicant; or (3) entering the family dwelling or the dwelling of the  
136 applicant. Such order may include provisions necessary to protect any  
137 animal owned or kept by the applicant including, but not limited to, an  
138 order enjoining the respondent from injuring or threatening to injure  
139 such animal. If an applicant alleges an immediate and present physical  
140 danger to the applicant, the court may issue an ex parte order granting  
141 such relief as it deems appropriate. If a postponement of a hearing on  
142 the application is requested by either party and granted, the ex parte

143 order shall not be continued except upon agreement of the parties or by  
144 order of the court for good cause shown. If a hearing on the application  
145 is scheduled or an ex parte order is granted and the court is closed on  
146 the scheduled hearing date, the hearing shall be held on the next day the  
147 court is open and any such ex parte order shall remain in effect until the  
148 date of such hearing. If the applicant is under eighteen years of age, a  
149 parent, guardian or responsible adult who brings the application as next  
150 friend of the applicant may not speak on the applicant's behalf at such  
151 hearing unless there is good cause shown as to why the applicant is  
152 unable to speak on his or her own behalf, except that nothing in this  
153 subsection shall preclude such parent, guardian or responsible adult  
154 from testifying as a witness at such hearing. As used in this subsection,  
155 "violent crime" includes: (A) An incident resulting in physical harm,  
156 bodily injury or assault; (B) an act of threatened violence that constitutes  
157 fear of imminent physical harm, bodily injury or assault, including, but  
158 not limited to, stalking or a pattern of threatening; (C) verbal abuse or  
159 argument if there is a present danger and likelihood that physical  
160 violence will occur; and (D) cruelty to animals as set forth in section 53-  
161 247.

162 (c) If the court issues an ex parte order pursuant to subsection (b) of  
163 this section and service has not been made on the respondent in  
164 conformance with subsection (h) of this section, upon request of the  
165 applicant, the court shall, based on the information contained in the  
166 original application, extend any ex parte order for an additional period  
167 not to exceed fourteen days from the originally scheduled hearing date.  
168 The clerk shall prepare a new order of hearing and notice containing the  
169 new hearing date, which shall be served upon the respondent in  
170 accordance with the provisions of subsection (h) of this section.

171 (d) Any ex parte restraining order entered under subsection (b) of this  
172 section in which the applicant and respondent are spouses, or persons  
173 who have a dependent child or children in common and who live  
174 together, may include, if no order exists, and if necessary to maintain  
175 the safety and basic needs of the applicant or the dependent child or  
176 children in common of the applicant and respondent, in addition to any

177 orders authorized under subsection (b) of this section, any of the  
178 following: (1) An order prohibiting the respondent from (A) taking any  
179 action that could result in the termination of any necessary utility  
180 services or necessary services related to the family dwelling or the  
181 dwelling of the applicant, (B) taking any action that could result in the  
182 cancellation, change of coverage or change of beneficiary of any health,  
183 automobile or homeowners insurance policy to the detriment of the  
184 applicant or the dependent child or children in common of the applicant  
185 and respondent, or (C) transferring, encumbering, concealing or  
186 disposing of specified property owned or leased by the applicant; or (2)  
187 an order providing the applicant with temporary possession of an  
188 automobile, checkbook, documentation of health, automobile or  
189 homeowners insurance, a document needed for purposes of proving  
190 identity, a key or other necessary specified personal effects.

191 (e) At the hearing on any application under this section, if the court  
192 grants relief pursuant to subsection (b) of this section and the applicant  
193 and respondent are spouses, or persons who have a dependent child or  
194 children in common and who live together, and if necessary to maintain  
195 the safety and basic needs of the applicant or the dependent child or  
196 children in common of the applicant and respondent, any orders  
197 entered by the court may include, in addition to the orders authorized  
198 under subsection (b) of this section, any of the following: (1) An order  
199 prohibiting the respondent from (A) taking any action that could result  
200 in the termination of any necessary utility services or services related to  
201 the family dwelling or the dwelling of the applicant, (B) taking any  
202 action that could result in the cancellation, change of coverage or change  
203 of beneficiary of any health, automobile or homeowners insurance  
204 policy to the detriment of the applicant or the dependent child or  
205 children in common of the applicant and respondent, or (C)  
206 transferring, encumbering, concealing or disposing of specified  
207 property owned or leased by the applicant; (2) an order providing the  
208 applicant with temporary possession of an automobile, checkbook,  
209 documentation of health, automobile or homeowners insurance, a  
210 document needed for purposes of proving identity, a key or other  
211 necessary specified personal effects; or (3) an order that the respondent:

212 (A) Make rent or mortgage payments on the family dwelling or the  
213 dwelling of the applicant and the dependent child or children in  
214 common of the applicant and respondent, (B) maintain utility services  
215 or other necessary services related to the family dwelling or the  
216 dwelling of the applicant and the dependent child or children in  
217 common of the applicant and respondent, (C) maintain all existing  
218 health, automobile or homeowners insurance coverage without change  
219 in coverage or beneficiary designation, or (D) provide financial support  
220 for the benefit of any dependent child or children in common of the  
221 applicant and the respondent, provided the respondent has a legal duty  
222 to support such child or children and the ability to pay. The court shall  
223 not enter any order of financial support without sufficient evidence as  
224 to the ability to pay, including, but not limited to, financial affidavits. If  
225 at the hearing no order is entered under this subsection or subsection  
226 (d) of this section, no such order may be entered thereafter pursuant to  
227 this section. Any order entered pursuant to this subsection shall not be  
228 subject to modification and shall expire one hundred twenty days after  
229 the date of issuance or upon issuance of a superseding order, whichever  
230 occurs first. Any amounts not paid or collected under this subsection or  
231 subsection (d) of this section may be preserved and collectible in an  
232 action for dissolution of marriage, custody, paternity or support.

233 (f) (1) Every order of the court made in accordance with this section  
234 shall contain the following language: [(1)] (A) "This order may be  
235 extended by the court beyond one year. In accordance with section 53a-  
236 107 of the Connecticut general statutes, entering or remaining in a  
237 building or any other premises in violation of this order constitutes  
238 criminal trespass in the first degree. This is a criminal offense punishable  
239 by a term of imprisonment of not more than one year, a fine of not more  
240 than two thousand dollars or both."; and [(2)] (B) "In accordance with  
241 section 53a-223b of the Connecticut general statutes, any violation of  
242 subparagraph (A) or (B) of subdivision (2) of subsection (a) of section  
243 53a-223b constitutes criminal violation of a restraining order which is  
244 punishable by a term of imprisonment of not more than five years, a fine  
245 of not more than five thousand dollars, or both. Additionally, any  
246 violation of subparagraph (C) or (D) of subdivision (2) of subsection (a)



247 of section 53a-223b constitutes criminal violation of a restraining order  
248 which is punishable by a term of imprisonment of not more than ten  
249 years, a fine of not more than ten thousand dollars, or both."

250 (2) Each applicant who receives an order of the court in accordance  
251 with this section shall be given a notice that contains the following  
252 language: "If a restraining order has been issued on your behalf or on  
253 behalf of your child, you may elect to give testimony or appear in a court  
254 proceeding remotely, pursuant to section 46b-15c, as amended by this  
255 act, if you provide notice to the court in advance. Please notify the court  
256 in writing if you choose to give testimony or appear remotely, and your  
257 physical presence in the courthouse will not be required in order to  
258 participate in the court proceeding."

259 (g) No order of the court shall exceed one year, except that an order  
260 may be extended by the court upon motion of the applicant for such  
261 additional time as the court deems necessary. If the respondent has not  
262 appeared upon the initial application, service of a motion to extend an  
263 order may be made by first-class mail directed to the respondent at the  
264 respondent's last-known address.

265 (h) (1) The applicant shall cause notice of the hearing pursuant to  
266 subsection (b) of this section and a copy of the application and the  
267 applicant's [affidavit] statement of the specific facts that form the basis  
268 for relief made under penalty of false statement pursuant to section 53a-  
269 157b and of any ex parte order issued pursuant to subsection (b) of this  
270 section to be served on the respondent not less than three days before  
271 the hearing. A proper officer responsible for executing such service shall  
272 accept all documents in an electronic format, if presented to such officer  
273 in such format. The cost of such service shall be paid for by the Judicial  
274 Branch.

275 (2) When (A) an application indicates that a respondent holds a  
276 permit to carry a pistol or revolver, an eligibility certificate for a pistol  
277 or revolver, a long gun eligibility certificate or an ammunition certificate  
278 or possesses one or more firearms or ammunition, and (B) the court has  
279 issued an ex parte order pursuant to this section, the proper officer

280 responsible for executing service shall, whenever possible, provide in-  
281 hand service and, prior to serving such order, shall (i) provide notice to  
282 the law enforcement agency for the town in which the respondent will  
283 be served concerning when and where the service will take place, and  
284 (ii) send, or cause to be sent by facsimile or other means, a copy of the  
285 application, the applicant's [affidavit] statement of the specific facts that  
286 form the basis for relief made under penalty of false statement pursuant  
287 to section 53a-157b, the ex parte order and the notice of hearing to such  
288 law enforcement agency, and (iii) request that a police officer from the  
289 law enforcement agency for the town in which the respondent will be  
290 served be present when service is executed by the proper officer. Upon  
291 receiving a request from a proper officer under the provisions of this  
292 subdivision, the law enforcement agency for the town in which the  
293 respondent will be served may designate a police officer to be present  
294 when service is executed by the proper officer.

295 (3) Upon the granting of an ex parte order, the clerk of the court shall  
296 provide two copies of the order to the applicant. Upon the granting of  
297 an order after notice and hearing, the clerk of the court shall provide  
298 two copies of the order to the applicant and a copy to the respondent.  
299 Every order of the court made in accordance with this section after  
300 notice and hearing shall be accompanied by a notification that is  
301 consistent with the full faith and credit provisions set forth in 18 USC  
302 2265(a), as amended from time to time. Immediately after making  
303 service on the respondent, the proper officer shall (A) send or cause to  
304 be sent, by facsimile or other means, a copy of the application, or the  
305 information contained in such application, stating the date and time the  
306 respondent was served, to the law enforcement agency or agencies for  
307 the town in which the applicant resides, the town in which the applicant  
308 is employed and the town in which the respondent resides, and (B) as  
309 soon as possible, but not later than two hours after the time that service  
310 is executed, input into the Judicial Branch's Internet-based service  
311 tracking system the date, time and method of service. If, prior to the date  
312 of the scheduled hearing, service has not been executed, the proper  
313 officer shall input into such service tracking system that service was  
314 unsuccessful. The clerk of the court shall send, by facsimile or other

315 means, a copy of any ex parte order and of any order after notice and  
316 hearing, or the information contained in any such order, to the law  
317 enforcement agency or agencies for the town in which the applicant  
318 resides, the town in which the applicant is employed and the town in  
319 which the respondent resides, within forty-eight hours of the issuance  
320 of such order. If the victim, or victim's minor child protected by such  
321 order, is enrolled in a public or private elementary or secondary school,  
322 including a technical education and career school, or an institution of  
323 higher education, as defined in section 10a-55, the clerk of the court  
324 shall, upon the request of the victim, send, by facsimile or other means,  
325 a copy of such ex parte order or of any order after notice and hearing, or  
326 the information contained in any such order, to such school or  
327 institution of higher education, the president of any institution of higher  
328 education at which the victim, or victim's minor child protected by such  
329 order, is enrolled and the special police force established pursuant to  
330 section 10a-156b, if any, at the institution of higher education at which  
331 the victim, or victim's minor child protected by such order, is enrolled,  
332 if the victim provides the clerk with the name and address of such school  
333 or institution of higher education.

334 (i) A caretaker who is providing shelter in his or her residence to a  
335 person sixty years or older shall not be enjoined from the full use and  
336 enjoyment of his or her home and property. The Superior Court may  
337 make any other appropriate order under the provisions of this section.

338 (j) When a motion for contempt is filed for violation of a restraining  
339 order, there shall be an expedited hearing. Such hearing shall be held  
340 within five court days of service of the motion on the respondent,  
341 provided service on the respondent is made not less than twenty-four  
342 hours before the hearing. If the court finds the respondent in contempt  
343 for violation of an order, the court may impose such sanctions as the  
344 court deems appropriate.

345 (k) An action under this section shall not preclude the applicant from  
346 seeking any other civil or criminal relief.

347 (l) For purposes of this section, "police officer" means a state police

348 officer or a sworn member of a municipal police department and "law  
349 enforcement agency" means the Division of State Police within the  
350 Department of Emergency Services and Public Protection or any  
351 municipal police department.

352 Sec. 3. Section 46b-15c of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective October 1, 2021*):

354 (a) In any court proceeding in a family relations matter, as defined in  
355 section 46b-1, the court [may, within available resources] shall, upon  
356 [motion] request of a party or the attorney for any party, order that the  
357 testimony of a party or a child who is a subject of the proceeding be  
358 taken outside the physical presence of any other party if a protective  
359 order, restraining order or standing criminal protective order has been  
360 issued on behalf of the party or child, and the other party is subject to  
361 the protective order, restraining order or standing criminal protective  
362 order. Such order may provide for the use of alternative means to obtain  
363 the testimony of any party or child, including, but not limited to, the use  
364 of a secure video connection for the purpose of conducting hearings by  
365 videoconference. Such testimony may be taken in a room other than the  
366 courtroom or at another location outside the courthouse or outside the  
367 state. The court shall provide for the administration of an oath to such  
368 party or child prior to the taking of such testimony in accordance with  
369 the rules of the Superior Court.

370 (b) Nothing in this section shall be construed to limit any party's right  
371 to cross-examine a witness whose testimony is taken in a room other  
372 than the courtroom pursuant to an order under this section.

373 (c) An order under this section may remain in effect during the  
374 pendency of the proceedings in the family relations matter.

375 (d) A notice describing the provisions of subsection (a) of this section  
376 shall be (1) posted on the Internet web site of the Judicial Branch, (2)  
377 included in any written or electronic form that describes the automatic  
378 orders in cases involving a dissolution of marriage or legal separation  
379 under section 46b-40, and (3) included in any written or electronic form

380 provided to a person who applies for and receives a protective order  
381 under section 46b-38c, as amended by this act, or a restraining order,  
382 under section 46b-15, as amended by this act.

383 Sec. 4. Subdivision (3) of section 46b-38a of the general statutes is  
384 repealed and the following is substituted in lieu thereof (*Effective October*  
385 *1, 2021*):

386 (3) "Family violence crime" means a crime as defined in section 53a-  
387 24, other than a delinquent act, as defined in section 46b-120, which, in  
388 addition to its other elements, contains as an element thereof an act of  
389 family violence to a family or household member. "Family violence  
390 crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-  
391 223a or 53a-223b when the condition of release or court order is issued  
392 for an act of family violence or a family violence crime. "Family violence  
393 crime" does not include acts by parents or guardians disciplining minor  
394 children unless such acts constitute abuse.

395 Sec. 5. Subdivision (5) of subsection (g) of section 46b-38b of the  
396 general statutes is repealed and the following is substituted in lieu  
397 thereof (*Effective July 1, 2021*):

398 (5) (A) On and after July 1, [2010] 2021, each law enforcement agency  
399 shall designate at least one officer with supervisory duties to  
400 expeditiously process, upon request of a victim of family violence or  
401 other crime who is applying for U Nonimmigrant Status [(A)] (i) a  
402 certification of helpfulness on Form I-918, Supplement B, or any  
403 subsequent corresponding form designated by the United States  
404 Department of Homeland Security, confirming that the victim of family  
405 violence or other crime has been helpful, is being helpful [,] or is likely  
406 to be helpful in the investigation or prosecution of the criminal activity,  
407 and [(B)] (ii) any subsequent certification required by the victim. As  
408 used in this subparagraph, "expeditiously" means not later than sixty  
409 days after the date of receipt of the request for certification of  
410 helpfulness, or not later than fourteen days after the date of receipt of  
411 such request if (I) the victim is in federal immigration removal  
412 proceedings or detained, or (II) the victim's child, parents or siblings

413 would become ineligible for an immigration benefit by virtue of the  
414 victim or the sibling of such victim attaining the age of eighteen years,  
415 or the victim's child attaining the age of twenty-one years.

416 (B) By signing a certification of helpfulness, the officer or agency is  
417 not making a determination of eligibility for U Nonimmigrant Status.  
418 The officer or agency is solely providing information required by the  
419 United States Department of Homeland Security on such form as is  
420 required by said department and certifying that: (i) The requesting  
421 individual or his or her family member is a victim of one of the  
422 enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim  
423 possesses or possessed information regarding that crime, (iii) the victim  
424 has been, is being or is likely to be helpful in an investigation of that  
425 crime, and (iv) the victim has not failed or refused to provide reasonably  
426 requested information or assistance. A current or ongoing investigation,  
427 filing of criminal charges, prosecution or conviction is not required for  
428 a victim to request and obtain certification under this subdivision.

429 Sec. 6. Subsection (e) of section 46b-38c of the general statutes is  
430 repealed and the following is substituted in lieu thereof (*Effective October*  
431 *1, 2021*):

432 (e) (1) A protective order issued under this section may include  
433 provisions necessary to protect the victim from threats, harassment,  
434 injury or intimidation by the defendant, including, but not limited to, an  
435 order enjoining the defendant from [(1)] (A) imposing any restraint  
436 upon the person or liberty of the victim, [(2)] (B) threatening, harassing,  
437 assaulting, molesting or sexually assaulting the victim, or [(3)] (C)  
438 entering the family dwelling or the dwelling of the victim. A protective  
439 order issued under this section may include provisions necessary to  
440 protect any animal owned or kept by the victim including, but not  
441 limited to, an order enjoining the defendant from injuring or threatening  
442 to injure such animal. Such order shall be made a condition of the bail  
443 or release of the defendant and shall contain the following notification:  
444 "In accordance with section 53a-223 of the Connecticut general statutes,  
445 any violation of this order constitutes criminal violation of a protective

446 order which is punishable by a term of imprisonment of not more than  
447 ten years, a fine of not more than ten thousand dollars, or both.  
448 Additionally, in accordance with section 53a-107 of the Connecticut  
449 general statutes, entering or remaining in a building or any other  
450 premises in violation of this order constitutes criminal trespass in the  
451 first degree which is punishable by a term of imprisonment of not more  
452 than one year, a fine of not more than two thousand dollars, or both.  
453 Violation of this order also violates a condition of your bail or release,  
454 and may result in raising the amount of bail or revoking release." Every  
455 order of the court made in accordance with this section after notice and  
456 hearing shall be accompanied by a notification that is consistent with  
457 the full faith and credit provisions set forth in 18 USC 2265(a), as  
458 amended from time to time. The information contained in and  
459 concerning the issuance of any protective order issued under this  
460 section shall be entered in the registry of protective orders pursuant to  
461 section 51-5c.

462 (2) Each person who requests and receives an order of the court in  
463 accordance with this subsection shall be given a notice that contains the  
464 following language: "If a protective order has been issued on your behalf  
465 or on behalf of your child, you may elect to give testimony or appear in  
466 a court proceeding remotely, pursuant to section 46b-15c, as amended  
467 by this act, if you provide notice to the court in advance. Please notify  
468 the court in writing if you choose to give testimony or appear remotely,  
469 and your physical presence in the courthouse will not be required in  
470 order to participate in the court proceeding."

471 Sec. 7. Subsection (f) of section 46b-54 of the general statutes is  
472 repealed and the following is substituted in lieu thereof (*Effective October*  
473 *1, 2021*):

474 (f) When recommending the entry of any order as provided in  
475 subsections (a) and (b) of section 46b-56, as amended by this act, counsel  
476 or a guardian ad litem for the minor child shall consider the best  
477 interests of the child, and in doing so shall consider, but not be limited  
478 to, one or more of the following factors: (1) The physical and emotional

479 safety of the child; (2) the temperament and developmental needs of the  
480 child; [(2)] (3) the capacity and the disposition of the parents to  
481 understand and meet the needs of the child; [(3)] (4) any relevant and  
482 material information obtained from the child, including the informed  
483 preferences of the child; [(4)] (5) the wishes of the child's parents as to  
484 custody; [(5)] (6) the past and current interaction and relationship of the  
485 child with each parent, the child's siblings and any other person who  
486 may significantly affect the best interests of the child; [(6)] (7) the  
487 willingness and ability of each parent to facilitate and encourage such  
488 continuing parent-child relationship between the child and the other  
489 parent as is appropriate, including compliance with any court orders;  
490 [(7)] (8) any manipulation by or coercive behavior of the parents in an  
491 effort to involve the child in the parents' dispute; [(8)] (9) the ability of  
492 each parent to be actively involved in the life of the child; [(9)] (10) the  
493 child's adjustment to his or her home, school and community  
494 environments; [(10)] (11) the length of time that the child has lived in a  
495 stable and satisfactory environment and the desirability of maintaining  
496 continuity in such environment, provided counsel or a guardian ad  
497 litem for the minor child may consider favorably a parent who  
498 voluntarily leaves the child's family home pendente lite in order to  
499 alleviate stress in the household; [(11)] (12) the stability of the child's  
500 existing or proposed residences, or both; [(12)] (13) the mental and  
501 physical health of all individuals involved, except that a disability of a  
502 proposed custodial parent or other party, in and of itself, shall not be  
503 determinative of custody unless the proposed custodial arrangement is  
504 not in the best interests of the child; [(13)] (14) the child's cultural  
505 background; [(14)] (15) the effect on the child of [the actions of an abuser,  
506 if] any domestic violence, as described in section 46b-15, as amended by  
507 this act, that has occurred between the parents or between a parent and  
508 another individual or the child; [(15)] (16) whether the child or a sibling  
509 of the child has been abused or neglected, as defined respectively in  
510 section 46b-120; and [(16)] (17) whether a party satisfactorily completed  
511 participation in a parenting education program established pursuant to  
512 section 46b-69b. Counsel or a guardian ad litem for the minor child shall  
513 not be required to assign any weight to any of the factors considered.



514 Sec. 8. Section 46b-56 of the general statutes is repealed and the  
515 following is substituted in lieu thereof (*Effective October 1, 2021*):

516 (a) In any controversy before the Superior Court as to the custody or  
517 care of minor children, and at any time after the return day of any  
518 complaint under section 46b-45, the court may make or modify any  
519 proper order regarding the custody, care, education, visitation and  
520 support of the children if it has jurisdiction under the provisions of  
521 chapter 815p. Subject to the provisions of section 46b-56a, the court may  
522 assign parental responsibility for raising the child to the parents jointly,  
523 or may award custody to either parent or to a third party, according to  
524 its best judgment upon the facts of the case and subject to such  
525 conditions and limitations as it deems equitable. The court may also  
526 make any order granting the right of visitation of any child to a third  
527 party to the action, including, but not limited to, grandparents.

528 (b) In making or modifying any order as provided in subsection (a)  
529 of this section, the rights and responsibilities of both parents shall be  
530 considered and the court shall enter orders accordingly that serve the  
531 best interests of the child and provide the child with the active and  
532 consistent involvement of both parents commensurate with their  
533 abilities and interests. Such orders may include, but shall not be limited  
534 to: (1) Approval of a parental responsibility plan agreed to by the  
535 parents pursuant to section 46b-56a; (2) the award of joint parental  
536 responsibility of a minor child to both parents, which shall include (A)  
537 provisions for residential arrangements with each parent in accordance  
538 with the needs of the child and the parents, and (B) provisions for  
539 consultation between the parents and for the making of major decisions  
540 regarding the child's health, education and religious upbringing; (3) the  
541 award of sole custody to one parent with appropriate parenting time for  
542 the noncustodial parent where sole custody is in the best interests of the  
543 child; or (4) any other custody arrangements as the court may determine  
544 to be in the best interests of the child.

545 (c) In making or modifying any order as provided in subsections (a)  
546 and (b) of this section, the court shall consider the best interests of the

547 child, and in doing so, may consider, but shall not be limited to, one or  
548 more of the following factors: (1) The physical and emotional safety of  
549 the child; (2) the temperament and developmental needs of the child;  
550 [(2)] (3) the capacity and the disposition of the parents to understand  
551 and meet the needs of the child; [(3)] (4) any relevant and material  
552 information obtained from the child, including the informed  
553 preferences of the child; [(4)] (5) the wishes of the child's parents as to  
554 custody; [(5)] (6) the past and current interaction and relationship of the  
555 child with each parent, the child's siblings and any other person who  
556 may significantly affect the best interests of the child; [(6)] (7) the  
557 willingness and ability of each parent to facilitate and encourage such  
558 continuing parent-child relationship between the child and the other  
559 parent as is appropriate, including compliance with any court orders;  
560 [(7)] (8) any manipulation by or coercive behavior of the parents in an  
561 effort to involve the child in the parents' dispute; [(8)] (9) the ability of  
562 each parent to be actively involved in the life of the child; [(9)] (10) the  
563 child's adjustment to his or her home, school and community  
564 environments; [(10)] (11) the length of time that the child has lived in a  
565 stable and satisfactory environment and the desirability of maintaining  
566 continuity in such environment, provided the court may consider  
567 favorably a parent who voluntarily leaves the child's family home  
568 pendente lite in order to alleviate stress in the household; [(11)] (12) the  
569 stability of the child's existing or proposed residences, or both; [(12)] (13)  
570 the mental and physical health of all individuals involved, except that a  
571 disability of a proposed custodial parent or other party, in and of itself,  
572 shall not be determinative of custody unless the proposed custodial  
573 arrangement is not in the best interests of the child; [(13)] (14) the child's  
574 cultural background; [(14)] (15) the effect on the child of [the actions of  
575 an abuser, if] any domestic violence, as described in section 46b-15, as  
576 amended by this act, that has occurred between the parents or between  
577 a parent and another individual or the child; [(15)] (16) whether the child  
578 or a sibling of the child has been abused or neglected, as defined  
579 respectively in section 46b-120; and [(16)] (17) whether the party  
580 satisfactorily completed participation in a parenting education program  
581 established pursuant to section 46b-69b. The court is not required to

582 assign any weight to any of the factors that it considers, but shall  
583 articulate the basis for its decision.

584 (d) Upon the issuance of any order assigning custody of the child to  
585 the Commissioner of Children and Families, or not later than sixty days  
586 after the issuance of such order, the court shall make a determination  
587 whether the Department of Children and Families made reasonable  
588 efforts to keep the child with his or her parents prior to the issuance of  
589 such order and, if such efforts were not made, whether such reasonable  
590 efforts were not possible, taking into consideration the best interests of  
591 the child, including the child's health and safety.

592 (e) In determining whether a child is in need of support and, if in  
593 need, the respective abilities of the parents to provide support, the court  
594 shall take into consideration all the factors enumerated in section 46b-  
595 84.

596 (f) When the court is not sitting, any judge of the court may make any  
597 order in the cause which the court might make under this section,  
598 including orders of injunction, prior to any action in the cause by the  
599 court.

600 (g) A parent not granted custody of a minor child shall not be denied  
601 the right of access to the academic, medical, hospital or other health  
602 records of such minor child, unless otherwise ordered by the court for  
603 good cause shown.

604 (h) Notwithstanding the provisions of subsections (b) and (c) of this  
605 section, when a motion for modification of custody or visitation is  
606 pending before the court or has been decided by the court and the  
607 investigation ordered by the court pursuant to section 46b-6  
608 recommends psychiatric or psychological therapy for a child, and such  
609 therapy would, in the court's opinion, be in the best interests of the child  
610 and aid the child's response to a modification, the court may order such  
611 therapy and reserve judgment on the motion for modification.

612 (i) As part of a decision concerning custody or visitation, the court

613 may order either parent or both of the parents and any child of such  
614 parents to participate in counseling and drug or alcohol screening,  
615 provided such participation is in the best interests of the child.

616 Sec. 9. (NEW) (*Effective October 1, 2021*) In any family relations matter  
617 described in section 46b-1 of the general statutes, as amended by this  
618 act, if the court finds that a pattern of frivolous and intentionally  
619 fabricated pleadings or motions are filed by one party, the court shall  
620 sanction such party in an appropriate manner so as to allow such matter  
621 to proceed without undue delay or obstruction by the party filing such  
622 pleadings or motions.

623 Sec. 10. Section 51-27h of the general statutes is repealed and the  
624 following is substituted in lieu thereof (*Effective July 1, 2021*):

625 The Chief Court Administrator shall provide in each court where  
626 family matters or family violence matters are heard or where a domestic  
627 violence docket, as defined in section 51-181e, is located a secure room  
628 for victims of family violence crimes and advocates for victims of family  
629 violence crimes which is separate from any public or private area of the  
630 court intended to accommodate the respondent or defendant or the  
631 respondent's or defendant's family, friends, attorneys or witnesses and  
632 separate from the office of the state's attorney, provided such a room is  
633 available and the use of such room is practical. Any courthouse  
634 constructed on or after July 1, 2021, shall include such a room.

635 Sec. 11. Section 51-27i of the general statutes is repealed and the  
636 following is substituted in lieu thereof (*Effective October 1, 2021*):

637 (a) As used in this section:

638 (1) "Domestic violence agency" means any office, shelter, host home  
639 or agency offering assistance to victims of domestic violence through  
640 crisis intervention, emergency shelter referral and medical and legal  
641 advocacy, and which meets the Department of Social Services' criteria  
642 of service provision for such agencies.

643 (2) "Family violence victim advocate" means a person (A) who is

644 employed by and under the control of a direct service supervisor of a  
645 domestic violence agency, (B) who has undergone a minimum of twenty  
646 hours of training which shall include, but not be limited to, the  
647 dynamics of domestic violence, crisis intervention, communication  
648 skills, working with diverse populations, an overview of the state  
649 criminal justice and civil family court systems and information about  
650 state and community resources for victims of domestic violence, (C)  
651 who is certified as a counselor by the domestic violence agency that  
652 provided such training, and (D) whose primary purpose is the  
653 rendering of advice, counsel and assistance to, and the advocacy of the  
654 cause of, victims of domestic violence.

655 (b) The Chief Court Administrator shall permit one or more family  
656 violence victim advocates to provide services to victims of domestic  
657 violence in (1) the Family Division of the Superior Court in [one or more  
658 judicial districts] each judicial district, and (2) each geographical area  
659 court in the state.

660 (c) Notwithstanding any provision of the general statutes, upon  
661 request, a family violence victim advocate providing services in the  
662 Family Division of the Superior Court or a geographical area court shall  
663 be provided with a copy of any police report in the possession of the  
664 state's attorney, the Division of State Police within the Department of  
665 Emergency Services and Public Protection, any municipal police  
666 department or any other law enforcement agency that the family  
667 violence victim advocate requires to perform the responsibilities and  
668 duties set forth in subsection (b) of this section.

669 Sec. 12. Section 17b-105a of the general statutes is repealed and the  
670 following is substituted in lieu thereof (*Effective July 1, 2021*):

671 (a) The Commissioner of Social Services shall seek a waiver from  
672 federal law to allow persons who live in an area in which (1) the  
673 unemployment rate is greater than ten per cent, or (2) there is an  
674 insufficient number of jobs to provide such persons with employment,  
675 to be exempt from the three-month participation limit of the  
676 supplemental nutrition assistance program implemented pursuant to

677 the Food and Nutrition Act of 2008.

678 (b) The Commissioner of Social Services shall implement vehicle  
679 evaluation provisions in accordance with 7 CFR 273.8(f)(4).

680 (c) The Commissioner of Social Services, pursuant to 7 USC  
681 2014(e)(6), shall implement the federal option to mandate the use of a  
682 standard utility allowance, to be used in place of actual utility costs, for  
683 purposes of calculating the excess shelter deduction of applicants for, or  
684 recipients of, supplemental nutrition assistance program benefits.  
685 Pursuant to 7 USC 2014(e)(6)(C)(iii)(III), the commissioner shall not  
686 prorate a standard utility allowance based upon the fact that an assisted  
687 household shares the utility with an individual who is not a member of  
688 the assisted household.

689 (d) The Commissioner of Social Services, to the extent permissible  
690 under federal law, shall (1) expedite supplemental nutrition assistance  
691 program eligibility determinations for a victim of domestic violence, as  
692 defined in section 17b-112a, and (2) provide an eligible victim  
693 temporary supplemental nutrition assistance program benefits for not  
694 less than ninety days before redetermining eligibility for benefits. In  
695 conducting an expedited initial eligibility determination, the  
696 commissioner shall subtract from such victim's household income the  
697 income of any spouse, domestic partner or other household member  
698 credibly accused by such victim of domestic violence. For purposes of  
699 this subsection, allegations of domestic violence may be substantiated  
700 by the commissioner pursuant to the provisions of subsection (b) of  
701 section 17b-112a.

702 Sec. 13. Subsections (b) and (c) of section 17b-749 of the general  
703 statutes are repealed and the following is substituted in lieu thereof  
704 (*Effective July 1, 2021*):

705 (b) The commissioner shall establish income standards for applicants  
706 and recipients at a level to include a family with gross income up to fifty  
707 per cent of the state-wide median income, except the commissioner: (1)  
708 [may] May increase the income level up to the maximum level allowed

709 under federal law, (2) upon the request of the Commissioner of Children  
710 and Families, may waive the income standards for adoptive families so  
711 that children adopted [on or after October 1, 1999,] from the Department  
712 of Children and Families are eligible for the child care subsidy program,  
713 [and (3) on and after March 1, 2003,] (3) shall waive the income  
714 standards for not less than ninety days from the date of application for  
715 a victim of domestic violence, as defined in section 17b-112a, at which  
716 time the commissioner shall redetermine eligibility based upon the  
717 income standards, and (4) shall reduce the income eligibility level to up  
718 to fifty-five per cent of the state-wide median income for applicants and  
719 recipients who qualify based on their loss of eligibility for temporary  
720 family assistance. For purposes of this subsection, allegations of  
721 domestic violence may be substantiated by the commissioner pursuant  
722 to the provisions of subsection (b) of section 17b-112a. The  
723 commissioner may adopt regulations in accordance with chapter 54 to  
724 establish income criteria and durational requirements for such waiver  
725 of income standards.

726 (c) The commissioner, in consultation with the Commissioner of  
727 Social Services, shall establish eligibility and program standards  
728 including, but not limited to: (1) A priority intake and eligibility system  
729 with preference given to serving (A) victims of domestic violence, as  
730 defined in section 17b-112a, (B) recipients of temporary family  
731 assistance who are employed or engaged in employment activities  
732 under the Department of Social Services' "Jobs First" program, [(B)] (C)  
733 working families whose temporary family assistance was discontinued  
734 not more than five years prior to the date of application for the child care  
735 subsidy program, [(C)] (D) teen parents, [(D)] (E) low-income working  
736 families, [(E)] (F) adoptive families of children who were adopted from  
737 the Department of Children and Families and who are granted a waiver  
738 of income standards under subdivision (2) of subsection (b) of this  
739 section, and [(F)] (G) working families who are at risk of welfare  
740 dependency; (2) health and safety standards for child care providers not  
741 required to be licensed; (3) a reimbursement system for child care  
742 services which account for differences in the age of the child, number of  
743 children in the family, the geographic region and type of care provided

744 by licensed and unlicensed caregivers, the cost and type of services  
745 provided by licensed and unlicensed caregivers, successful completion  
746 of fifteen hours of annual in-service training or credentialing of child  
747 care directors and administrators, and program accreditation; (4)  
748 supplemental payment for special needs of the child and extended  
749 nontraditional hours; (5) an annual rate review process for providers  
750 which assures that reimbursement rates are maintained at levels which  
751 permit equal access to a variety of child care settings; (6) a sliding  
752 reimbursement scale for participating families; (7) an administrative  
753 appeals process; (8) an administrative hearing process to adjudicate  
754 cases of alleged fraud and abuse and to impose sanctions and recover  
755 overpayments; (9) an extended period of program and payment  
756 eligibility when a parent who is receiving a child care subsidy  
757 experiences a temporary interruption in employment or other approved  
758 activity; and (10) a waiting list for the child care subsidy program that  
759 (A) allows the commissioner to exercise discretion in prioritizing within  
760 and between existing priority groups, including, but not limited to,  
761 children described in 45 CFR 98.46, as amended from time to time, and  
762 households with an infant or toddler, and (B) reflects the priority and  
763 eligibility system set forth in subdivision (1) of this subsection [, which  
764 is reviewed periodically,] with the inclusion of this information in the  
765 annual report required to be issued [annually] by the office to the  
766 Governor and the General Assembly in accordance with section 17b-733.  
767 Such action will include, but not be limited to, family income, age of  
768 child, region of state and length of time on such waiting list.

769 Sec. 14. Subsection (c) of section 17b-191 of the general statutes is  
770 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
771 *2021*):

772 (c) To be eligible for cash assistance under the program, a person shall  
773 (1) be (A) eighteen years of age or older; (B) a minor found by a court to  
774 be emancipated pursuant to section 46b-150; or (C) under eighteen years  
775 of age and the commissioner determines good cause for such person's  
776 eligibility, and (2) not have assets exceeding two hundred fifty dollars  
777 or, if such person is married, such person and his or her spouse shall not



778 have assets exceeding five hundred dollars. In determining eligibility,  
779 the commissioner shall not consider as income (A) Aid and Attendance  
780 pension benefits granted to a veteran, as defined in section 27-103, or the  
781 surviving spouse of such veteran, or (B) for a period not less than ninety  
782 days from the date of application, the income of a spouse, domestic  
783 partner or other household member credibly accused of domestic  
784 violence by a victim of domestic violence, as defined in section 17b-112a.  
785 The commissioner shall redetermine the eligibility of a victim of  
786 domestic violence after ninety days. For purposes of this subsection,  
787 allegations of domestic violence may be substantiated by the  
788 commissioner pursuant to the provisions of subsection (b) of section  
789 17b-112a. No person who is a substance abuser and refuses or fails to  
790 enter available, appropriate treatment shall be eligible for cash  
791 assistance under the program until such person enters treatment. No  
792 person whose benefits from the temporary family assistance program  
793 have terminated as a result of time-limited benefits or for failure to  
794 comply with a program requirement shall be eligible for cash assistance  
795 under the program.

796 Sec. 15. Section 38a-816 of the general statutes is repealed and the  
797 following is substituted in lieu thereof (*Effective October 1, 2021*):

798 The following are defined as unfair methods of competition and  
799 unfair and deceptive acts or practices in the business of insurance:

800 (1) Misrepresentations and false advertising of insurance policies.  
801 Making, issuing or circulating, or causing to be made, issued or  
802 circulated, any estimate, illustration, circular or statement, sales  
803 presentation, omission or comparison which: (A) Misrepresents the  
804 benefits, advantages, conditions or terms of any insurance policy; (B)  
805 misrepresents the dividends or share of the surplus to be received, on  
806 any insurance policy; (C) makes any false or misleading statements as  
807 to the dividends or share of surplus previously paid on any insurance  
808 policy; (D) is misleading or is a misrepresentation as to the financial  
809 condition of any person, or as to the legal reserve system upon which  
810 any life insurer operates; (E) uses any name or title of any insurance

811 policy or class of insurance policies misrepresenting the true nature  
812 thereof; (F) is a misrepresentation, including, but not limited to, an  
813 intentional misquote of a premium rate, for the purpose of inducing or  
814 tending to induce to the purchase, lapse, forfeiture, exchange,  
815 conversion or surrender of any insurance policy; (G) is a  
816 misrepresentation for the purpose of effecting a pledge or assignment of  
817 or effecting a loan against any insurance policy; or (H) misrepresents  
818 any insurance policy as being shares of stock.

819 (2) False information and advertising generally. Making, publishing,  
820 disseminating, circulating or placing before the public, or causing,  
821 directly or indirectly, to be made, published, disseminated, circulated or  
822 placed before the public, in a newspaper, magazine or other publication,  
823 or in the form of a notice, circular, pamphlet, letter or poster, or over any  
824 radio or television station, or in any other way, an advertisement,  
825 announcement or statement containing any assertion, representation or  
826 statement with respect to the business of insurance or with respect to  
827 any person in the conduct of his insurance business, which is untrue,  
828 deceptive or misleading.

829 (3) Defamation. Making, publishing, disseminating or circulating,  
830 directly or indirectly, or aiding, abetting or encouraging the making,  
831 publishing, disseminating or circulating of, any oral or written  
832 statement or any pamphlet, circular, article or literature which is false  
833 or maliciously critical of or derogatory to the financial condition of an  
834 insurer, and which is calculated to injure any person engaged in the  
835 business of insurance.

836 (4) Boycott, coercion and intimidation. Entering into any agreement  
837 to commit, or by any concerted action committing, any act of boycott,  
838 coercion or intimidation resulting in or tending to result in unreasonable  
839 restraint of, or monopoly in, the business of insurance.

840 (5) False financial statements. Filing with any supervisory or other  
841 public official, or making, publishing, disseminating, circulating or  
842 delivering to any person, or placing before the public, or causing,  
843 directly or indirectly, to be made, published, disseminated, circulated or

844 delivered to any person, or placed before the public, any false statement  
845 of financial condition of an insurer with intent to deceive; or making any  
846 false entry in any book, report or statement of any insurer with intent to  
847 deceive any agent or examiner lawfully appointed to examine into its  
848 condition or into any of its affairs, or any public official to whom such  
849 insurer is required by law to report, or who has authority by law to  
850 examine into its condition or into any of its affairs, or, with like intent,  
851 wilfully omitting to make a true entry of any material fact pertaining to  
852 the business of such insurer in any book, report or statement of such  
853 insurer.

854 (6) Unfair claim settlement practices. Committing or performing with  
855 such frequency as to indicate a general business practice any of the  
856 following: (A) Misrepresenting pertinent facts or insurance policy  
857 provisions relating to coverages at issue; (B) failing to acknowledge and  
858 act with reasonable promptness upon communications with respect to  
859 claims arising under insurance policies; (C) failing to adopt and  
860 implement reasonable standards for the prompt investigation of claims  
861 arising under insurance policies; (D) refusing to pay claims without  
862 conducting a reasonable investigation based upon all available  
863 information; (E) failing to affirm or deny coverage of claims within a  
864 reasonable time after proof of loss statements have been completed; (F)  
865 not attempting in good faith to effectuate prompt, fair and equitable  
866 settlements of claims in which liability has become reasonably clear; (G)  
867 compelling insureds to institute litigation to recover amounts due under  
868 an insurance policy by offering substantially less than the amounts  
869 ultimately recovered in actions brought by such insureds; (H)  
870 attempting to settle a claim for less than the amount to which a  
871 reasonable man would have believed he was entitled by reference to  
872 written or printed advertising material accompanying or made part of  
873 an application; (I) attempting to settle claims on the basis of an  
874 application which was altered without notice to, or knowledge or  
875 consent of the insured; (J) making claims payments to insureds or  
876 beneficiaries not accompanied by statements setting forth the coverage  
877 under which the payments are being made; (K) making known to  
878 insureds or claimants a policy of appealing from arbitration awards in

879 favor of insureds or claimants for the purpose of compelling them to  
880 accept settlements or compromises less than the amount awarded in  
881 arbitration; (L) delaying the investigation or payment of claims by  
882 requiring an insured, claimant, or the physician of either to submit a  
883 preliminary claim report and then requiring the subsequent submission  
884 of formal proof of loss forms, both of which submissions contain  
885 substantially the same information; (M) failing to promptly settle claims,  
886 where liability has become reasonably clear, under one portion of the  
887 insurance policy coverage in order to influence settlements under other  
888 portions of the insurance policy coverage; (N) failing to promptly  
889 provide a reasonable explanation of the basis in the insurance policy in  
890 relation to the facts or applicable law for denial of a claim or for the offer  
891 of a compromise settlement; (O) using as a basis for cash settlement with  
892 a first party automobile insurance claimant an amount which is less than  
893 the amount which the insurer would pay if repairs were made unless  
894 such amount is agreed to by the insured or provided for by the  
895 insurance policy.

896 (7) Failure to maintain complaint handling procedures. Failure of any  
897 person to maintain complete record of all the complaints which it has  
898 received since the date of its last examination. This record shall indicate  
899 the total number of complaints, their classification by line of insurance,  
900 the nature of each complaint, the disposition of these complaints, and  
901 the time it took to process each complaint. For purposes of this  
902 [subsection] subdivision "complaint" means any written  
903 communication primarily expressing a grievance.

904 (8) Misrepresentation in insurance applications. Making false or  
905 fraudulent statements or representations on or relative to an application  
906 for an insurance policy for the purpose of obtaining a fee, commission,  
907 money or other benefit from any insurer, producer or individual.

908 (9) Any violation of any one of sections 38a-358, 38a-446, 38a-447, as  
909 amended by this act, 38a-488, 38a-825, 38a-826, 38a-828 and 38a-829.  
910 None of the following practices shall be considered discrimination  
911 within the meaning of section 38a-446 or 38a-488 or a rebate within the

912 meaning of section 38a-825: (A) Paying bonuses to policyholders or  
913 otherwise abating their premiums in whole or in part out of surplus  
914 accumulated from nonparticipating insurance, provided any such  
915 bonuses or abatement of premiums shall be fair and equitable to  
916 policyholders and for the best interests of the company and its  
917 policyholders; (B) in the case of policies issued on the industrial debit  
918 plan, making allowance to policyholders who have continuously for a  
919 specified period made premium payments directly to an office of the  
920 insurer in an amount which fairly represents the saving in collection  
921 expense; (C) readjustment of the rate of premium for a group insurance  
922 policy based on loss or expense experience, or both, at the end of the  
923 first or any subsequent policy year, which may be made retroactive for  
924 such policy year.

925 (10) Notwithstanding any provision of any policy of insurance,  
926 certificate or service contract, whenever such insurance policy or  
927 certificate or service contract provides for reimbursement for any  
928 services which may be legally performed by any practitioner of the  
929 healing arts licensed to practice in this state, reimbursement under such  
930 insurance policy, certificate or service contract shall not be denied  
931 because of race, color or creed nor shall any insurer make or permit any  
932 unfair discrimination against particular individuals or persons so  
933 licensed.

934 (11) Favored agent or insurer: Coercion of debtors. (A) No person  
935 may (i) require, as a condition precedent to the lending of money or  
936 extension of credit, or any renewal thereof, that the person to whom  
937 such money or credit is extended or whose obligation the creditor is to  
938 acquire or finance, negotiate any policy or contract of insurance through  
939 a particular insurer or group of insurers or producer or group of  
940 producers; (ii) unreasonably disapprove the insurance policy provided  
941 by a borrower for the protection of the property securing the credit or  
942 lien; (iii) require directly or indirectly that any borrower, mortgagor,  
943 purchaser, insurer or producer pay a separate charge, in connection  
944 with the handling of any insurance policy required as security for a loan  
945 on real estate or pay a separate charge to substitute the insurance policy

946 of one insurer for that of another; or (iv) use or disclose information  
947 resulting from a requirement that a borrower, mortgagor or purchaser  
948 furnish insurance of any kind on real property being conveyed or used  
949 as collateral security to a loan, when such information is to the  
950 advantage of the mortgagee, vendor or lender, or is to the detriment of  
951 the borrower, mortgagor, purchaser, insurer or the producer complying  
952 with such a requirement.

953 (B) (i) Subparagraph (A)(iii) of this subdivision shall not include the  
954 interest which may be charged on premium loans or premium  
955 advancements in accordance with the security instrument. (ii) For  
956 purposes of subparagraph (A)(ii) of this subdivision, such disapproval  
957 shall be deemed unreasonable if it is not based solely on reasonable  
958 standards uniformly applied, relating to the extent of coverage required  
959 and the financial soundness and the services of an insurer. Such  
960 standards shall not discriminate against any particular type of insurer,  
961 nor shall such standards call for the disapproval of an insurance policy  
962 because such policy contains coverage in addition to that required. (iii)  
963 The commissioner may investigate the affairs of any person to whom  
964 this subdivision applies to determine whether such person has violated  
965 this subdivision. If a violation of this subdivision is found, the person in  
966 violation shall be subject to the same procedures and penalties as are  
967 applicable to other provisions of section 38a-815, subsections (b) and (e)  
968 of section 38a-817 and this section. (iv) For purposes of this section,  
969 "person" includes any individual, corporation, limited liability  
970 company, association, partnership or other legal entity.

971 (12) Refusing to insure, refusing to continue to insure or limiting the  
972 amount, extent or kind of coverage available to an individual or  
973 charging an individual a different rate for the same coverage because of  
974 physical disability, mental or nervous condition as set forth in section  
975 38a-488a or intellectual disability, except where the refusal, limitation or  
976 rate differential is based on sound actuarial principles or is related to  
977 actual or reasonably anticipated experience.

978 (13) Refusing to insure, refusing to continue to insure or limiting the

979 amount, extent or kind of coverage available to an individual or  
980 charging an individual a different rate for the same coverage solely  
981 because of blindness or partial blindness. For purposes of this  
982 subdivision, "refusal to insure" includes the denial by an insurer of  
983 disability insurance coverage on the grounds that the policy defines  
984 "disability" as being presumed in the event that the insured is blind or  
985 partially blind, except that an insurer may exclude from coverage any  
986 disability, consisting solely of blindness or partial blindness, when such  
987 condition existed at the time the policy was issued. Any individual who  
988 is blind or partially blind shall be subject to the same standards of sound  
989 actuarial principles or actual or reasonably anticipated experience as are  
990 sighted persons with respect to all other conditions, including the  
991 underlying cause of the blindness or partial blindness.

992 (14) Refusing to insure, refusing to continue to insure or limiting the  
993 amount, extent or kind of coverage available to an individual or  
994 charging an individual a different rate for the same coverage because of  
995 exposure to diethylstilbestrol through the female parent.

996 (15) (A) Failure by an insurer, or any other entity responsible for  
997 providing payment to a health care provider pursuant to an insurance  
998 policy, to pay accident and health claims, including, but not limited to,  
999 claims for payment or reimbursement to health care providers, within  
1000 the time periods set forth in subparagraph (B) of this subdivision, unless  
1001 the Insurance Commissioner determines that a legitimate dispute exists  
1002 as to coverage, liability or damages or that the claimant has fraudulently  
1003 caused or contributed to the loss. Any insurer, or any other entity  
1004 responsible for providing payment to a health care provider pursuant  
1005 to an insurance policy, who fails to pay such a claim or request within  
1006 the time periods set forth in subparagraph (B) of this subdivision shall  
1007 pay the claimant or health care provider the amount of such claim plus  
1008 interest at the rate of fifteen per cent per annum, in addition to any other  
1009 penalties which may be imposed pursuant to sections 38a-11, 38a-25,  
1010 38a-41 to 38a-53, inclusive, 38a-57 to 38a-60, inclusive, 38a-62 to 38a-64,  
1011 inclusive, 38a-76, 38a-83, 38a-84, 38a-117 to 38a-124, inclusive, 38a-129  
1012 to 38a-140, inclusive, 38a-146 to 38a-155, inclusive, 38a-283, 38a-288 to

1013 38a-290, inclusive, 38a-319, 38a-320, 38a-459, 38a-464, 38a-815 to 38a-819,  
1014 inclusive, 38a-824 to 38a-826, inclusive, and 38a-828 to 38a-830,  
1015 inclusive. Whenever the interest due a claimant or health care provider  
1016 pursuant to this section is less than one dollar, the insurer shall deposit  
1017 such amount in a separate interest-bearing account in which all such  
1018 amounts shall be deposited. At the end of each calendar year each such  
1019 insurer shall donate such amount to The University of Connecticut  
1020 Health Center.

1021 (B) Each insurer or other entity responsible for providing payment to  
1022 a health care provider pursuant to an insurance policy subject to this  
1023 section, shall pay claims not later than:

1024 (i) For claims filed in paper format, sixty days after receipt by the  
1025 insurer of the claimant's proof of loss form or the health care provider's  
1026 request for payment filed in accordance with the insurer's practices or  
1027 procedures, except that when there is a deficiency in the information  
1028 needed for processing a claim, as determined in accordance with section  
1029 38a-477, the insurer shall (I) send written notice to the claimant or health  
1030 care provider, as the case may be, of all alleged deficiencies in  
1031 information needed for processing a claim not later than thirty days  
1032 after the insurer receives a claim for payment or reimbursement under  
1033 the contract, and (II) pay claims for payment or reimbursement under  
1034 the contract not later than thirty days after the insurer receives the  
1035 information requested; and

1036 (ii) For claims filed in electronic format, twenty days after receipt by  
1037 the insurer of the claimant's proof of loss form or the health care  
1038 provider's request for payment filed in accordance with the insurer's  
1039 practices or procedures, except that when there is a deficiency in the  
1040 information needed for processing a claim, as determined in accordance  
1041 with section 38a-477, the insurer shall (I) notify the claimant or health  
1042 care provider, as the case may be, of all alleged deficiencies in  
1043 information needed for processing a claim not later than ten days after  
1044 the insurer receives a claim for payment or reimbursement under the  
1045 contract, and (II) pay claims for payment or reimbursement under the



1046 contract not later than ten days after the insurer receives the information  
1047 requested.

1048 (C) As used in this subdivision, "health care provider" means a person  
1049 licensed to provide health care services under chapter 368d, chapter  
1050 368v, chapters 370 to 373, inclusive, 375 to 383c, inclusive, 384a to 384c,  
1051 inclusive, or chapter 400j.

1052 (16) Failure to pay, as part of any claim for a damaged motor vehicle  
1053 under any automobile insurance policy where the vehicle has been  
1054 declared to be a constructive total loss, an amount equal to the sum of  
1055 (A) the settlement amount on such vehicle plus, whenever the insurer  
1056 takes title to such vehicle, (B) an amount determined by multiplying  
1057 such settlement amount by a percentage equivalent to the current sales  
1058 tax rate established in section 12-408. For purposes of this subdivision,  
1059 "constructive total loss" means the cost to repair or salvage damaged  
1060 property, or the cost to both repair and salvage such property, equals or  
1061 exceeds the total value of the property at the time of the loss.

1062 (17) Any violation of section 42-260, by an extended warranty  
1063 provider subject to the provisions of said section, including, but not  
1064 limited to: (A) Failure to include all statements required in subsections  
1065 (c) and (f) of section 42-260 in an issued extended warranty; (B) offering  
1066 an extended warranty without being (i) insured under an adequate  
1067 extended warranty reimbursement insurance policy or (ii) able to  
1068 demonstrate that reserves for claims contained in the provider's  
1069 financial statements are not in excess of one-half the provider's audited  
1070 net worth; (C) failure to submit a copy of an issued extended warranty  
1071 form or a copy of such provider's extended warranty reimbursement  
1072 policy form to the Insurance Commissioner.

1073 (18) With respect to an insurance company, hospital service  
1074 corporation, health care center or fraternal benefit society providing  
1075 individual or group health insurance coverage of the types specified in  
1076 subdivisions (1), (2), (4), (5), (6), (10), (11) and (12) of section 38a-469,  
1077 refusing to insure, refusing to continue to insure or limiting the amount,  
1078 extent or kind of coverage available to an individual or charging an

1079 individual a different rate for the same coverage because such  
1080 individual has been a victim of [family] domestic violence, as defined in  
1081 section 17b-112a.

1082 (19) With respect to a property and casualty insurer delivering,  
1083 issuing for delivery, renewing, amending, continuing or endorsing a  
1084 property or casualty insurance policy, making any distinction or  
1085 discrimination against an individual in delivering, issuing for delivery,  
1086 renewing, amending, continuing, endorsing, offering, withholding,  
1087 cancelling or setting premiums for such policy, or in the terms of such  
1088 policy, because the individual has been a victim of domestic violence, as  
1089 defined in section 17b-112a.

1090 ~~[(19)]~~ (20) With respect to an insurance company, hospital service  
1091 corporation, health care center or fraternal benefit society providing  
1092 individual or group health insurance coverage of the types specified in  
1093 subdivisions (1), (2), (3), (4), (6), (9), (10), (11) and (12) of section 38a-469,  
1094 refusing to insure, refusing to continue to insure or limiting the amount,  
1095 extent or kind of coverage available to an individual or charging an  
1096 individual a different rate for the same coverage because of genetic  
1097 information. Genetic information indicating a predisposition to a  
1098 disease or condition shall not be deemed a preexisting condition in the  
1099 absence of a diagnosis of such disease or condition that is based on other  
1100 medical information. An insurance company, hospital service  
1101 corporation, health care center or fraternal benefit society providing  
1102 individual health coverage of the types specified in subdivisions (1), (2),  
1103 (3), (4), (6), (9), (10), (11) and (12) of section 38a-469, shall not be  
1104 prohibited from refusing to insure or applying a preexisting condition  
1105 limitation, to the extent permitted by law, to an individual who has been  
1106 diagnosed with a disease or condition based on medical information  
1107 other than genetic information and has exhibited symptoms of such  
1108 disease or condition. For the purposes of this [subsection] subdivision,  
1109 "genetic information" means the information about genes, gene  
1110 products or inherited characteristics that may derive from an individual  
1111 or family member.

1112        [(20)] (21) Any violation of sections 38a-465 to 38a-465q, inclusive, as  
1113 amended by this act.

1114        [(21)] (22) With respect to a managed care organization, as defined in  
1115 section 38a-478, failing to establish a confidentiality procedure for  
1116 medical record information, as required by section 38a-999.

1117        [(22)] (23) Any violation of sections 38a-591d to 38a-591f, inclusive.

1118        [(23)] (24) Any violation of section 38a-472j.

1119        Sec. 16. Section 38a-447 of the general statutes is repealed and the  
1120 following is substituted in lieu thereof (*Effective October 1, 2021*):

1121        No life insurance company doing business in this state may: (1) Make  
1122 any distinction or discrimination between persons on the basis of race  
1123 or status as a victim of domestic violence, as to the premiums or rates  
1124 charged for policies upon the lives of such persons; (2) demand or  
1125 require greater premiums from persons of one race than such as are at  
1126 that time required by that company from persons of another race, or  
1127 from persons who have been victims of domestic violence than such as  
1128 are at that time required by that company from persons who have not  
1129 been victims of domestic violence, of the same age, sex, general  
1130 condition of health and hope of longevity; or (3) make or require any  
1131 rebate, diminution or discount on the basis of race, or status as a victim  
1132 of domestic violence, upon the sum to be paid on any policy in case of  
1133 the death of any person insured, nor insert in the policy any condition,  
1134 nor make any stipulation whereby such person insured shall bind  
1135 [himself, his] such person, such person's heirs, executors, administrators  
1136 or assigns to accept any sum less than the full value or amount of such  
1137 policy, in case of a claim accruing thereon by reason of the death of such  
1138 person insured, other than such as are imposed upon all persons in  
1139 similar cases; and each such stipulation or condition so made or inserted  
1140 shall be void. For the purposes of this section, "victim of domestic  
1141 violence" has the same meaning as provided in section 17b-112a.

1142        Sec. 17. Section 38a-465 of the general statutes is repealed and the

1143 following is substituted in lieu thereof (*Effective October 1, 2021*):

1144 As used in sections 38a-465 to 38a-465q, inclusive, and subdivision  
1145 [(20)] (21) of section 38a-816, as amended by this act:

1146 (1) "Advertisement" means any written, electronic or printed  
1147 communication or any communication by means of recorded telephone  
1148 messages or transmitted on radio, television, the Internet or similar  
1149 communications media, including, but not limited to, film strips, motion  
1150 pictures and videos, published, disseminated, circulated or placed  
1151 before the public, directly or indirectly, for the purpose of creating an  
1152 interest in or inducing a person to purchase or sell, assign, devise,  
1153 bequest or transfer the death benefit or ownership of a life insurance  
1154 policy or an interest in a life insurance policy pursuant to a life  
1155 settlement contract.

1156 (2) "Broker" means a person who, on behalf of an owner and for a fee,  
1157 commission or other valuable consideration, offers or attempts to  
1158 negotiate life settlement contracts between an owner and one or more  
1159 providers. "Broker" does not include an attorney, certified public  
1160 accountant or financial planner accredited by a nationally recognized  
1161 accreditation agency retained to represent the owner, whose  
1162 compensation is not paid directly or indirectly by a provider or any  
1163 other person except the owner.

1164 (3) "Business of life settlements" means an activity involved in, but  
1165 not limited to, offering to enter into, soliciting, negotiating, procuring,  
1166 effectuating, monitoring or tracking of life settlement contracts.

1167 (4) "Chronically ill" means: (A) Being unable to perform at least two  
1168 activities of daily living, including, but not limited to, eating, toileting,  
1169 transferring, bathing, dressing or continence; (B) requiring substantial  
1170 supervision to protect from threats to health and safety due to severe  
1171 cognitive impairment; or (C) having a level of disability similar to that  
1172 described in subparagraph (A) of this subdivision as determined by the  
1173 federal Secretary of Health and Human Services.

1174 (5) "Commissioner" means the Insurance Commissioner.

1175 (6) (A) "Financing entity" means an underwriter, placement agent,  
1176 lender, purchaser of securities, purchaser of a policy or certificate from  
1177 a provider, credit enhancer, or any entity that has a direct ownership in  
1178 a policy or certificate that is the subject of a life settlement contract:

1179 (i) Whose principal activity related to the transaction is providing  
1180 funds to effect the life settlement contract or purchase of one or more  
1181 policies; and

1182 (ii) Who has an agreement in writing with one or more providers to  
1183 finance the acquisition of life settlement contracts.

1184 (B) "Financing entity" does not include a nonaccredited investor or a  
1185 purchaser.

1186 (7) "Financing transaction" means any transaction in which a  
1187 provider obtains financing from a financing entity, including, but not  
1188 limited to, any secured or unsecured financing, any securitization  
1189 transaction or any securities offering which is registered or exempt from  
1190 registration under federal or state securities law.

1191 (8) "Insured" means the person covered under the policy being  
1192 considered for sale in a life settlement contract.

1193 (9) "Life expectancy" means the arithmetic mean of the number of  
1194 months the insured under the life insurance policy to be settled can be  
1195 expected to live as determined by a life expectancy company, life  
1196 settlement company or investor considering medical records and  
1197 experiential data.

1198 (10) "Life insurance producer" means any person licensed in this state  
1199 as a resident or nonresident insurance producer who has received  
1200 qualification or authority for life insurance coverage or a life line  
1201 coverage pursuant to chapter 702.

1202 (11) (A) "Life settlement contract" means:

1203 (i) A written agreement entered into between a provider and an  
1204 owner, establishing the terms under which compensation or anything  
1205 of value will be paid, which compensation or thing of value is less than  
1206 the expected death benefit of the insurance policy or certificate, in return  
1207 for the owner's assignment, transfer, sale, devise or bequest of the death  
1208 benefit or any portion of an insurance policy or certificate of insurance  
1209 for compensation, provided the minimum value for a life settlement  
1210 contract shall be greater than a cash surrender value or accelerated  
1211 death benefit available at the time of an application for a life settlement  
1212 contract;

1213 (ii) The transfer for compensation or value of ownership or beneficial  
1214 interest in a trust, or other entity that owns such policy, if the trust or  
1215 other entity was formed or availed of for the principal purpose of  
1216 acquiring one or more life insurance contracts, which life insurance  
1217 contract insures the life of a person residing in this state;

1218 (iii) A written agreement for a loan or other lending transaction,  
1219 secured primarily by an individual or group life insurance policy; or

1220 (iv) A premium finance loan made for a policy on or before the date  
1221 of issuance of the policy where (I) the loan proceeds are not used solely  
1222 to pay premiums for the policy and any costs or expenses incurred by  
1223 the lender or the borrower in connection with the financing, (II) the  
1224 owner receives, on the date of the premium finance loan, a guarantee of  
1225 the future life settlement value of the policy, or (III) the owner agrees on  
1226 the date of the premium finance loan to sell the policy, or any portion of  
1227 its death benefit, on any date following the issuance of the policy.

1228 (B) "Life settlement contract" does not include:

1229 (i) A policy loan by a life insurance company pursuant to the terms  
1230 of the life insurance policy or accelerated death provisions contained in  
1231 the life insurance policy, whether issued with the original policy or as a  
1232 rider;

1233 (ii) A premium finance loan, as defined in subparagraph (A)(iv) of

1234 this subdivision, or any loan made by a bank or other licensed financial  
1235 institution, provided neither default on such loan or the transfer of the  
1236 policy, in connection with such default, is pursuant to an agreement or  
1237 understanding with any other person for the purpose of evading  
1238 regulation under this part;

1239 (iii) A collateral assignment of a life insurance policy by an owner;

1240 (iv) A loan made by a lender that does not violate sections 38a-162 to  
1241 38a-170, inclusive, provided such loan is not described in subparagraph  
1242 (A) of this subdivision and is not otherwise within the definition of life  
1243 settlement contract;

1244 (v) An agreement where all the parties are closely related to the  
1245 insured by blood or law or have a lawful substantial economic interest  
1246 in the continued life, health and bodily safety of the person insured, or  
1247 are trusts established primarily for the benefit of such parties;

1248 (vi) Any designation, consent or agreement by an insured who is an  
1249 employee of an employer in connection with the purchase by the  
1250 employer, or trust established by the employer, of life insurance on the  
1251 life of the employee;

1252 (vii) A bona fide business succession planning arrangement: (I)  
1253 Between one or more shareholders in a corporation or between a  
1254 corporation and one or more of its shareholders or one or more trusts  
1255 established by its shareholders; (II) between one or more partners in a  
1256 partnership or between a partnership and one or more of its partners or  
1257 one or more trusts established by its partners; or (III) between one or  
1258 more members in a limited liability company or between a limited  
1259 liability company and one or more of its members or one or more trusts  
1260 established by its members;

1261 (viii) An agreement entered into by a service recipient or a trust  
1262 established by the service recipient, and a service provider or a trust  
1263 established by the service provider, that performs significant services  
1264 for the service recipient's trade or business; or

1265 (ix) Any other contract, transaction or arrangement from the  
1266 definition of life settlement contract that the commissioner determines  
1267 is not of the type intended to be regulated by this part.

1268 (12) "Net death benefit" means the amount of the life insurance policy  
1269 or certificate to be settled less any outstanding debts or liens.

1270 (13) "Owner" means the owner of a life insurance policy or a  
1271 certificate holder under a group policy, with or without a terminal  
1272 illness, who enters or seeks to enter into a life settlement contract. For  
1273 the purposes of this part, an owner shall not be limited to an owner of a  
1274 life insurance policy or a certificate holder under a group policy that  
1275 insures the life of an individual with a terminal or chronic illness or  
1276 condition, except where specifically addressed. "Owner" does not  
1277 include: (A) Any provider or other licensee under this part; (B) a  
1278 qualified institutional buyer, as defined in Rule 144A of the federal  
1279 Securities Act of 1933, as amended from time to time; (C) a financing  
1280 entity; (D) a special purpose entity; or (E) a related provider trust.

1281 (14) "Patient identifying information" means an insured's address,  
1282 telephone number, facsimile number, electronic mail address,  
1283 photograph or likeness, employer, employment status, Social Security  
1284 number or any other information that is likely to lead to the  
1285 identification of the insured.

1286 (15) "Person" means a natural person or a legal entity, including, but  
1287 not limited to, an individual, partnership, limited liability company,  
1288 association, trust or corporation.

1289 (16) "Policy" means an individual or group policy, group certificate,  
1290 contract or arrangement of life insurance owned by a resident of this  
1291 state, regardless of whether delivered or issued for delivery in this state.

1292 (17) "Premium finance loan" means a loan made primarily for the  
1293 purposes of making premium payments on a life insurance policy,  
1294 which loan is secured by an interest in such life insurance policy.

1295 (18) "Provider" means a person, other than an owner, who enters into



1296 or effectuates a life settlement contract with an owner. "Provider" does  
1297 not include:

1298 (A) Any bank, savings bank, savings and loan association or credit  
1299 union;

1300 (B) A licensed lending institution, creditor or secured party pursuant  
1301 to a premium finance loan agreement that takes an assignment of a life  
1302 insurance policy or certificate issued pursuant to a group life insurance  
1303 policy as collateral for a loan;

1304 (C) The insurer of a life insurance policy or rider providing  
1305 accelerated death benefits or riders pursuant to section 38a-457 or cash  
1306 surrender value;

1307 (D) A natural person who enters into or effectuates no more than one  
1308 agreement in a calendar year for the transfer of a life insurance policy or  
1309 certificate issued pursuant to a group life insurance policy, for  
1310 compensation or any value less than the expected death benefit payable  
1311 under the policy;

1312 (E) A purchaser;

1313 (F) An authorized or eligible insurer that provides stop loss coverage  
1314 to a provider, purchaser, financing entity, special purpose entity or  
1315 related provider trust;

1316 (G) A financing entity;

1317 (H) A special purpose entity;

1318 (I) A related provider trust;

1319 (J) A broker; or

1320 (K) An accredited investor or a qualified institutional buyer, as  
1321 defined in Rule 501 of Regulation D or Rule 144A, respectively, of the  
1322 federal Securities Act of 1933, as amended from time to time, who  
1323 purchases a life settlement policy from a provider.

1324 (19) "Purchased policy" means a policy or group certificate that has  
1325 been acquired by a provider pursuant to a life settlement contract.

1326 (20) "Purchaser" means a person who pays compensation or anything  
1327 of value as consideration for a beneficial interest in a trust that is vested  
1328 with, or for the assignment, transfer or sale of, an ownership or other  
1329 interest in a life insurance policy or a certificate issued pursuant to a  
1330 group life insurance policy that is the subject of a life settlement contract.

1331 (21) "Related provider trust" means a titling trust or other trust  
1332 established by a licensed provider or a financing entity for the sole  
1333 purpose of holding the ownership or beneficial interest in purchased  
1334 policies in connection with a financing transaction.

1335 (22) "Settled policy" means a life insurance policy or certificate that  
1336 has been acquired by a provider pursuant to a life settlement contract.

1337 (23) "Special purpose entity" means a corporation, partnership, trust,  
1338 limited liability company or other similar entity formed solely to  
1339 provide, either directly or indirectly, access to institutional capital  
1340 markets (A) for a financing entity or provider, (B) in connection with a  
1341 transaction in which the securities in the special purpose entity are  
1342 acquired by the owner or by a qualified institutional buyer, as defined  
1343 in Rule 144A of the federal Securities Act of 1933, as amended from time  
1344 to time, or (C) the securities pay a fixed rate of return commensurate  
1345 with established asset-backed institutional capital markets.

1346 (24) "Stranger-originated life insurance" means an act, practice or  
1347 arrangement to initiate a life insurance policy for the benefit of a third-  
1348 party investor who, at the time of policy origination, has no insurable  
1349 interest in the insured. Such practices include, but are not limited to,  
1350 cases in which life insurance is purchased with resources or guarantees  
1351 from or through a person or entity, who, at the time of policy inception,  
1352 could not lawfully initiate the policy himself or itself, and where, at the  
1353 time of inception, there is an arrangement or agreement, whether verbal  
1354 or written, to directly or indirectly transfer the ownership of the policy  
1355 or the policy benefits to a third-party. Trusts created to give the

1356 appearance of insurable interest and used to initiate policies for  
1357 investors violate insurable interest laws and the prohibition against  
1358 wagering on life. Stranger-originated life insurance arrangements do  
1359 not include those practices set forth in subparagraph (B) of subdivision  
1360 (11) of this section.

1361 (25) "Terminally ill" means having an illness or sickness that can  
1362 reasonably be expected to result in death in twenty-four months or less.

1363 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a grant  
1364 program to provide individuals who are indigent with access to legal  
1365 assistance when making an application for a restraining order under  
1366 section 46b-15 of the general statutes, as amended by this act. The  
1367 program shall be administered by the organization that administers the  
1368 program for the use of interest earned on lawyers' clients' funds  
1369 accounts pursuant to section 51-81c of the general statutes.

1370 (b) Not later than three months after receiving funding in any year  
1371 pursuant to section 19 of this act, the organization administering the  
1372 program shall issue a request for proposals from nonprofit entities  
1373 whose principal purpose is providing legal services to individuals who  
1374 are indigent, for the purpose of awarding grants to provide counsel to  
1375 indigent individuals who express an interest in applying for a  
1376 restraining order pursuant to section 46b-15 of the general statutes, as  
1377 amended by this act, and, to the extent practicable within the funding  
1378 awarded, representing such individuals throughout the process of  
1379 applying for such restraining order, including at prehearing conferences  
1380 and at the hearing on an application. A nonprofit entity responding to  
1381 the request for proposals may partner with law schools or other non-  
1382 profit entities or publicly funded organizations that are not  
1383 governmental entities, for the provision of services pursuant to a grant.  
1384 Each response to the request for proposals shall specify the judicial  
1385 district courthouse, or courthouses, for which services will be provided.

1386 (c) The organization administering the program may only award a  
1387 grant (1) to provide services in the judicial districts of Fairfield,  
1388 Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an

1389 amount not to exceed two hundred thousand dollars, except that a grant  
1390 to provide services in the judicial district with the highest average  
1391 number of applications for restraining orders under section 46b-15 of  
1392 the general statutes, as amended by this act, over the previous three  
1393 fiscal years may receive a grant of not more than four hundred thousand  
1394 dollars. Grants may not be used to provide services to individuals who  
1395 are not indigent.

1396 (d) The organization administering the program may only award a  
1397 grant to a nonprofit entity whose principal purpose is providing legal  
1398 services to individuals who are indigent, if such nonprofit entity  
1399 demonstrates the ability to:

1400 (1) Verify at the time of meeting with an individual that such  
1401 potential client is indigent and meets applicable household income  
1402 eligibility requirements set by the entity;

1403 (2) Arrange for at least one individual who has the relevant training  
1404 or experience and is authorized to provide legal counsel to individuals  
1405 who express an interest in applying for a restraining order, to be present  
1406 in the courthouse or courthouses identified in response to the request  
1407 for proposals during all business hours;

1408 (3) Provide continued representation to individuals throughout the  
1409 restraining order process, including in court for the hearing on the  
1410 restraining order, to the greatest extent practicable within the funding  
1411 awarded and if requested to do so by an individual after providing  
1412 assistance with a restraining order application;

1413 (4) Provide any individual in the courthouse who expresses an  
1414 interest in applying for a restraining order with all applicable forms that  
1415 may be necessary to apply for a restraining order; and

1416 (5) Track and report to the organization administering the program  
1417 on the services provided pursuant to the program, including (A) the  
1418 procedural outcomes of restraining order applications filed, (B) the  
1419 number of instances where legal counsel was provided prior to the filing

1420 of an application but not during the remainder of the restraining order  
1421 process, and the reasons limiting the duration of such representation,  
1422 and (C) information on any other legal representation provided to  
1423 individuals pursuant to the program on matters that were ancillary to  
1424 the circumstances that supported the application for a restraining order.

1425 (e) In awarding grants, the organization administering the program  
1426 shall give preference to nonprofit entities (1) that demonstrate the ability  
1427 to provide legal representation to clients regarding matters ancillary to  
1428 the circumstances that supported the application for a restraining order;  
1429 (2) with experience offering legal representation to individuals during  
1430 the restraining order process; or (3) that can provide quality remote  
1431 services should courthouses be closed to the public.

1432 (f) The Chief Court Administrator shall (1) provide each grant  
1433 recipient with office space in the judicial district courthouse or  
1434 courthouses served by such recipient under the grant program to  
1435 conduct intake interviews and assist clients with applications for  
1436 restraining orders, and (2) require court clerks at such courthouses, prior  
1437 to accepting an application for a restraining order pursuant to section  
1438 46b-15 of the general statutes, as amended by this act, to inform each  
1439 individual filing such application, or inquiring about filing such an  
1440 application, that pro bono legal services are available from the grant  
1441 recipient for income-eligible individuals and where the grant recipient  
1442 is located in the courthouse.

1443 (g) The Chief Court Administrator shall post on the Internet web site  
1444 of the Judicial Branch where instructions for filing a restraining order  
1445 pursuant to section 46b-15 of the general statutes, as amended by this  
1446 act, are provided, information on the pro bono legal services available  
1447 from grant recipients for income-eligible individuals at the applicable  
1448 courthouses.

1449 (h) For each year that funding is provided for the program under this  
1450 section, the organization administering the program shall either  
1451 conduct, or partner with an academic institution or other qualified  
1452 entity for the purpose of conducting, an analysis of the impact of the

1453 program, including, but not limited to, (1) the procedural outcomes for  
1454 applications filed in association with services provided by grant  
1455 recipients under the program, (2) the types and extent of legal services  
1456 provided to individuals served pursuant to the program, including on  
1457 matters ancillary to the restraining order application, and (3) the  
1458 number of cases where legal services were provided before an  
1459 application was filed but legal representation did not continue during  
1460 the restraining order process and the reasons for such limited  
1461 representations. Not later than July first of the year following any year  
1462 in which the program received funding, the organization administering  
1463 the program shall submit a report on the results of such analysis in  
1464 accordance with the provisions of section 11-4a of the general statutes,  
1465 to the joint standing committee of the General Assembly having  
1466 cognizance of matters relating to the judiciary.

1467       Sec. 19. (*Effective from passage*) During each of the fiscal years ending  
1468 June 30, 2022, and June 30, 2023, the Attorney General, utilizing transfer  
1469 invoices, shall remit one million two hundred fifty thousand dollars to  
1470 the organization administering the program established pursuant to  
1471 section 18 of this act, from moneys received by the Office of the Attorney  
1472 General in connection with the settlement of any lawsuit to which the  
1473 state is a party. Such remittal in the fiscal year ending June 30, 2023, shall  
1474 occur no later than one year following the date of the remittal in the  
1475 previous fiscal year. Moneys remitted to the organization pursuant to  
1476 this section shall be used for purposes of the program established in  
1477 section 18 of this act. Up to five per cent of the total amount received by  
1478 such organization may be used for the reasonable costs of administering  
1479 the program, including the completion of the analysis and report  
1480 required by subsection (h) of section 18 of this act.

1481       Sec. 20. Subsections (a) and (b) of section 54-64a of the general statutes  
1482 are repealed and the following is substituted in lieu thereof (*Effective*  
1483 *October 1, 2021*):

1484       (a) (1) Except as provided in subdivision (2) of this subsection and  
1485 subsection (b) of this section, when any arrested person is presented

1486 before the Superior Court, said court shall, in bailable offenses,  
1487 promptly order the release of such person upon the first of the following  
1488 conditions of release found sufficient to reasonably ensure the  
1489 appearance of the arrested person in court: (A) Upon execution of a  
1490 written promise to appear without special conditions, (B) upon  
1491 execution of a written promise to appear with nonfinancial conditions,  
1492 (C) upon execution of a bond without surety in no greater amount than  
1493 necessary, (D) upon execution of a bond with surety in no greater  
1494 amount than necessary, but in no event shall a judge prohibit a bond  
1495 from being posted by surety. In addition to or in conjunction with any  
1496 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of  
1497 this subdivision the court may, when it has reason to believe that the  
1498 person is drug-dependent and where necessary, reasonable and  
1499 appropriate, order the person to submit to a urinalysis drug test and to  
1500 participate in a program of periodic drug testing and treatment. The  
1501 results of any such drug test shall not be admissible in any criminal  
1502 proceeding concerning such person.

1503 (2) If the arrested person is charged with no offense other than a  
1504 misdemeanor, the court shall not impose financial conditions of release  
1505 on the person unless (A) the person is charged with a family violence  
1506 crime, as defined in section 46b-38a, as amended by this act, or (B) the  
1507 person requests such financial conditions, or (C) the court makes a  
1508 finding on the record that there is a likely risk that (i) the arrested person  
1509 will fail to appear in court, as required, or (ii) the arrested person will  
1510 obstruct or attempt to obstruct justice, or threaten, injure or intimidate  
1511 or attempt to threaten, injure or intimidate a prospective witness or  
1512 juror, or (iii) the arrested person will engage in conduct that threatens  
1513 the safety of himself or herself or another person. In making a finding  
1514 described in this subsection, the court may consider past criminal  
1515 history, including any prior record of failing to appear as required in  
1516 court that resulted in any conviction for a violation of section 53a-172 or  
1517 any conviction during the previous ten years for a violation of section  
1518 53a-173 and any other pending criminal cases of the person charged  
1519 with a misdemeanor.

1520 (3) The court may, in determining what conditions of release will  
1521 reasonably ensure the appearance of the arrested person in court,  
1522 consider the following factors: (A) The nature and circumstances of the  
1523 offense, (B) such person's record of previous convictions, (C) such  
1524 person's past record of appearance in court, (D) such person's family  
1525 ties, (E) such person's employment record, (F) such person's financial  
1526 resources, character and mental condition, [and] (G) such person's  
1527 community ties, and (H) in the case of a violation of 53a-222a when the  
1528 condition of release was issued for a family violence crime, as defined  
1529 in section 46b-38a, as amended by this act, the heightened risk posed to  
1530 victims of family violence by violations of conditions of release.

1531 (b) (1) When any arrested person charged with the commission of a  
1532 class A felony, a class B felony, except a violation of section 53a-86 or  
1533 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or  
1534 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,  
1535 section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,  
1536 or a family violence crime, as defined in section 46b-38a, as amended by  
1537 this act, is presented before the Superior Court, said court shall, in  
1538 bailable offenses, promptly order the release of such person upon the  
1539 first of the following conditions of release found sufficient to reasonably  
1540 ensure the appearance of the arrested person in court and that the safety  
1541 of any other person will not be endangered: (A) Upon such person's  
1542 execution of a written promise to appear without special conditions, (B)  
1543 upon such person's execution of a written promise to appear with  
1544 nonfinancial conditions, (C) upon such person's execution of a bond  
1545 without surety in no greater amount than necessary, (D) upon such  
1546 person's execution of a bond with surety in no greater amount than  
1547 necessary, but in no event shall a judge prohibit a bond from being  
1548 posted by surety. In addition to or in conjunction with any of the  
1549 conditions enumerated in subparagraphs (A) to (D), inclusive, of this  
1550 subdivision, the court may, when it has reason to believe that the person  
1551 is drug-dependent and where necessary, reasonable and appropriate,  
1552 order the person to submit to a urinalysis drug test and to participate in  
1553 a program of periodic drug testing and treatment. The results of any  
1554 such drug test shall not be admissible in any criminal proceeding



1555 concerning such person.

1556 (2) The court may, in determining what conditions of release will  
1557 reasonably ensure the appearance of the arrested person in court and  
1558 that the safety of any other person will not be endangered, consider the  
1559 following factors: (A) The nature and circumstances of the offense, (B)  
1560 such person's record of previous convictions, (C) such person's past  
1561 record of appearance in court after being admitted to bail, (D) such  
1562 person's family ties, (E) such person's employment record, (F) such  
1563 person's financial resources, character and mental condition, (G) such  
1564 person's community ties, (H) the number and seriousness of charges  
1565 pending against the arrested person, (I) the weight of the evidence  
1566 against the arrested person, (J) the arrested person's history of violence,  
1567 (K) whether the arrested person has previously been convicted of  
1568 similar offenses while released on bond, [and] (L) the likelihood based  
1569 upon the expressed intention of the arrested person that such person  
1570 will commit another crime while released, and (M) the heightened risk  
1571 posed to victims of family violence by violations of conditions of release  
1572 and court orders of protection.

1573 (3) When imposing conditions of release under this subsection, the  
1574 court shall state for the record any factors under subdivision (2) of this  
1575 subsection that it considered and the findings that it made as to the  
1576 danger, if any, that the arrested person might pose to the safety of any  
1577 other person upon the arrested person's release that caused the court to  
1578 impose the specific conditions of release that it imposed.

1579 Sec. 21. Subsection (a) of section 53a-181j of the general statutes is  
1580 repealed and the following is substituted in lieu thereof (*Effective October*  
1581 *1, 2021*):

1582 (a) A person is guilty of intimidation based on bigotry or bias in the  
1583 first degree when such person maliciously, and with specific intent to  
1584 intimidate or harass another person [because of] motivated in whole or  
1585 in substantial part by the actual or perceived race, religion, ethnicity,  
1586 disability, sex, sexual orientation or gender identity or expression of  
1587 such other person, causes physical injury to such other person or to a

1588 third person.

1589 Sec. 22. Subsection (a) of section 53a-181k of the general statutes is  
1590 repealed and the following is substituted in lieu thereof (*Effective October*  
1591 *1, 2021*):

1592 (a) A person is guilty of intimidation based on bigotry or bias in the  
1593 second degree when such person maliciously, and with specific intent  
1594 to intimidate or harass another person or group of persons [because of]  
1595 motivated in whole or in substantial part by the actual or perceived race,  
1596 religion, ethnicity, disability, sex, sexual orientation or gender identity  
1597 or expression of such other person or group of persons, does any of the  
1598 following: (1) Causes physical contact with such other person or group  
1599 of persons, (2) damages, destroys or defaces any real or personal  
1600 property of such other person or group of persons, or (3) threatens, by  
1601 word or act, to do an act described in subdivision (1) or (2) of this  
1602 subsection, if there is reasonable cause to believe that an act described  
1603 in subdivision (1) or (2) of this subsection will occur.

1604 Sec. 23. Subsection (a) of section 53a-181l of the general statutes is  
1605 repealed and the following is substituted in lieu thereof (*Effective October*  
1606 *1, 2021*):

1607 (a) A person is guilty of intimidation based on bigotry or bias in the  
1608 third degree when such person, with specific intent to intimidate or  
1609 harass another person or group of persons [because of] motivated in  
1610 whole or in substantial part by the actual or perceived race, religion,  
1611 ethnicity, disability, sex, sexual orientation or gender identity or  
1612 expression of such other person or persons: (1) Damages, destroys or  
1613 defaces any real or personal property, or (2) threatens, by word or act,  
1614 to do an act described in subdivision (1) of this subsection or advocates  
1615 or urges another person to do an act described in subdivision (1) of this  
1616 subsection, if there is reasonable cause to believe that an act described  
1617 in said subdivision will occur.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	46b-1
Sec. 2	<i>October 1, 2021</i>	46b-15
Sec. 3	<i>October 1, 2021</i>	46b-15c
Sec. 4	<i>October 1, 2021</i>	46b-38a(3)
Sec. 5	<i>July 1, 2021</i>	46b-38b(g)(5)
Sec. 6	<i>October 1, 2021</i>	46b-38c(e)
Sec. 7	<i>October 1, 2021</i>	46b-54(f)
Sec. 8	<i>October 1, 2021</i>	46b-56
Sec. 9	<i>October 1, 2021</i>	New section
Sec. 10	<i>July 1, 2021</i>	51-27h
Sec. 11	<i>October 1, 2021</i>	51-27i
Sec. 12	<i>July 1, 2021</i>	17b-105a
Sec. 13	<i>July 1, 2021</i>	17b-749(b) and (c)
Sec. 14	<i>July 1, 2021</i>	17b-191(c)
Sec. 15	<i>October 1, 2021</i>	38a-816
Sec. 16	<i>October 1, 2021</i>	38a-447
Sec. 17	<i>October 1, 2021</i>	38a-465
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>October 1, 2021</i>	54-64a(a) and (b)
Sec. 21	<i>October 1, 2021</i>	53a-181j(a)
Sec. 22	<i>October 1, 2021</i>	53a-181k(a)
Sec. 23	<i>October 1, 2021</i>	53a-181l(a)

**Statement of Legislative Commissioners:**

In Section 1(b), "unless the context otherwise requires," was inserted before "domestic violence" for consistency with other provisions of the bill, Section 10 was rewritten for clarity and the effective date was changed for consistency with the provisions of the section, in Section 18(c)(1) "Bridgeport" was changed to "Fairfield" and "Stamford" was changed to "Stamford-Norwalk" for accuracy, and in Section 19 "(NEW)" was removed for accuracy.

**JUD**      *Joint Favorable Subst.*

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 22 \$	FY 23 \$
Judicial Dept.	GF - Cost	803,080	821,172
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	249,072	256,544
Office of Early Childhood; Social Services, Dept.	GF - Potential Cost	See Below	See Below
Insurance Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Resources of the General Fund	GF - Revenue Loss	1,250,000	1,250,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

Section 1-3 adds coercive control to the definition of domestic violence and makes victims of such behavior eligible for support and a civil restraining order. This change is anticipated to result in up to an additional 4,000 petitions for a restraining order. In order to accommodate the increase in petitions, it is anticipated that the Judicial Department will have to hire up to six additional clerks and family relations counselors for each of the busiest Judicial Districts (Bridgeport, Hartford, New Britain, New Haven, Norwich, and Waterbury) at a cost of \$603,080 annually for salaries and \$249,072 for fringe benefits.

Each restraining order application must be served by a state marshal,

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

resulting in a cost of approximately \$200,000 annually.

**Sections 12-14** could result in a cost to the Department of Social Services (DSS) and Office of Early Childhood (OEC) associated with providing temporary assistance to domestic violence victims while waiving certain income standards for at least 90 days from the date of application.<sup>2</sup>

The number of individuals who would qualify for assistance under the bill is unknown. For context, the average cost per case for 90 days of benefits is approximately \$3,480 for Care4Kids and \$610 for State Administered General Assistance.

**Section 12** requires 90 days of expedited assistance under the Supplemental Nutrition Assistance Program (SNAP) to the extent allowed under federal law. SNAP benefits are federally-funded and subject to federal regulations. While domestic violence victims are not currently entitled to expedited SNAP benefits under federal regulations, the state could incur administrative costs to support system adjustments if this change were to be implemented.

**Section 15-17** results in a potential minimal revenue gain to the General Fund to the extent the Insurance Department assesses additional fines or penalties for violations of the Connecticut Unfair Insurance Practices Act (CUIPA). The bill prohibits life insurers from discriminating based on status as a victim of domestic violence and makes such actions a violation of CUIPA. CUIPA fines can range from \$5,000 per violation up to a maximum of \$250,000 in aggregate penalties per entity in any six-month period.

**Section 18-19** establishes a grant program to provide legal assistance to indigent individuals when applying for temporary restraining orders, resulting in a revenue loss of \$1,250,000 in FY 22 and FY 23. The grant

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<sup>2</sup> The bill requires the state to exclude the income of the victim's credibly accused spouse, domestic partner, or other household member when considering eligibility for SAGA and SNAP.

program is to be administered by the Connecticut Bar Foundation.

***The Out Years***

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

*Sources: Department of Social Services Caseload Information  
Office of Early Childhood Caseload and Utilization data*

**OLR Bill Analysis****sSB 1091*****AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.*****SUMMARY**

This bill makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, insurance discrimination, and certain crimes. Generally, it:

1. establishes a general definition of domestic violence that includes coercive control as a form of domestic violence (§ 1);
2. allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders (§ 2);
3. requires the court to sanction a party that files frivolous and fabricated pleadings or motions (§ 9);
4. creates a grant program to provide free legal assistance to indigent restraining order applicants (§§ 18 & 19);
5. categorizes criminal violation of a protection order or condition of release as a family violence crime in certain circumstances (§§ 5 & 6);
6. establishes a time frame for U Nonimmigrant Status certification (§ 5);
7. requires courthouses constructed on or after July 1, 2021, to include a room for family violence victims and advocates (§ 10);

8. expands the “best interest of the child” factors in family relations matters to include the child’s physical and emotional health (§§ 7 & 8);
9. provides eligible domestic violence victims easier access to certain assistance programs (§§ 12-14);
10. prohibits insurance companies from denying or refusing coverage based on a person’s status as a domestic violence victim (§§ 15-17); and
11. expands the crimes of 1st, 2nd, and 3rd degree intimidation based on actions motivated in whole or in substantial part by certain attributes (§§ 21-23).

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, except (1) the U Nonimmigrant Status, state assistance programs, and secure courtroom provisions take effect on July 1, 2021, and (2) the legal assistance grant program provisions take effect upon passage.

## **§ 1 — DOMESTIC VIOLENCE**

### ***Family Relations Matters and Support***

The bill creates a general definition for the term “domestic violence” and applies it to all provisions related to family relations matters (see BACKGROUND) and support. In doing so, it includes coercive control as a form domestic violence.

Under the bill, “domestic violence” means:

1. a continuous threat of present physical pain or physical injury against a family or household member;
2. stalking, including 2nd degree stalking, of a household or family member;
3. a pattern of threatening, including 2nd degree threatening, of a



family or household member or a third party with intent to intimidate the family or household member; or

4. coercive control of a family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty.

### **Coercive Control**

Under the bill, "coercive control" includes, unreasonably:

1. isolating the household or family member from friends, relatives, or other support;
2. depriving the household or family member of basic necessities;
3. controlling, regulating, or monitoring the household or family member's movements, communications, daily behavior, finances, economic resources, or access to services;
4. compelling the household or family member by force, threat, or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (a) engage in conduct from which they have a right to abstain or (b) abstain from conduct that they have a right to pursue;
5. committing or threatening to commit cruelty to animals that intimidates the applicant (presumably this refers to the family or household member); or
6. forcing the performance of sex acts, or making threats of a sexual nature, including threatened acts of sexual conduct, threats based on a person's sexuality, or threats to release sexual images.

Because the bill's definition applies to all of Title 46b unless context otherwise requires, the following provisions in existing law would specifically incorporate "domestic violence" as described above:

1. continuing restraining orders (CGS § 46b-15b);

2. various family violence investigations and programs (CGS §§ 46b-38b, -38c, -38g, -38j, 38k, 38l & -38m);
3. certain provisions on appointing guardians ad litem, custody decisions, and visitation rights (CGS §§ 46b-54, -56 & 59); and
4. certain paternity provisions (CGS § 46b-168a).

### ***Family or Household Members***

By law, “family or household members” are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating (CGS § 46b-38a).

### **§ 9 — FRIVOLOUS CLAIMS**

Under the bill, in any family relations matter, including restraining order actions involving domestic violence, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, then it must sanction the party in an appropriate manner that allows the matter to proceed without undue delay or obstruction.

### **§§ 2, 3, 18 & 19 — CIVIL RESTRAINING ORDERS**

#### ***Eligibility to File Petition (§ 2)***

The bill expands the eligibility criteria to petition the court for a restraining order, allowing domestic violence victims who are subject

to coercive control by a family and household member to be eligible petitioners.

Under existing law, any family or household member who has been subjected to continuous threats of present physical pain or physical injury, stalking, or a pattern of threatening, may apply to the Superior Court for a restraining order. By law a court may issue an order as it deems appropriate to protect the applicant and any dependent children or other people as it sees fit.

***Statement of Conditions From Which Relief is Sought (§ 2)***

Under current law, to obtain a restraining order, the victim must file an application and an affidavit made under oath that includes a brief statement of the condition from which relief is sought. Instead of an affidavit under oath, the bill requires the application to be accompanied only by the statement made under penalty of false statement.

A person is guilty of false statement, a class A misdemeanor, when he or she (1) intentionally makes a false written statement that he or she does not believe to be true with the intent to mislead a public servant in the performance of the public servant's official function and (2) makes the statement under oath or pursuant to a form providing notice, authorized by law, to the effect that false statements are punishable. A class A misdemeanor is punishable by a fine of up to \$2,000, up to 1 year in prison, or both (CGS § 53a-157b).

***Service of Process (§ 2)***

By law the court must hold a hearing on the application for a restraining order within 14 days of receiving the application. It must give the alleged offender at least three days' notice before the hearing, except it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order). If the court issues an ex parte order because the applicant indicates that the respondent holds a permit to carry a pistol or revolver or possesses firearms or ammunition, then the court must hold a hearing within seven days after issuing the ex parte order.

Under current law, the respondent must be served with a copy of the application and the applicant's affidavit. The bill instead makes the conforming change and requires that the respondent and the law enforcement agency, as applicable, be served with a copy of the application and the statement of the specific facts that form the basis for the relief made under penalty of false statement.

The bill also requires the proper officer responsible for the serving process to accept all documents in an electronic format if they are presented to him or her in that way.

### ***Specific Court Order Disclosure (§ 2)***

Under existing law, any civil restraining order the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties. The court order must also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties (CGS § 46b-15(e)).

The bill additionally requires that each applicant who receives a civil restraining order must be given a notice that contains the following specific language: "If a restraining order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a court proceeding remotely, pursuant to section 46b-15c, as amended by this act, if you provide notice to the court in advance. Please notify the court in writing if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding." (The bill requires a similar notification for family violence protective orders, see § 6 below.)

### ***Alternate Means of Obtaining Testimony (§ 3)***

The bill requires, rather than allows, the court to take a person's testimony absent the person they are protected from.

Under current law, in any court proceeding in a family relations matter, the court may, within available resources and upon motion of any party's attorney, order that the testimony of a party or a child who

is a subject of the proceeding be taken outside the physical presence of any other party. This option applies only if a protective order (i.e., an order issued at the time of arraignment during a criminal proceeding), restraining order, or standing criminal protective order (i.e., an order issued at the end of a criminal case) has been issued on behalf of the party or child, and the other party is subject to it. The bill instead requires the court to make such an order upon the request of a party or his or her attorney.

Under the bill, a notice describing the alternative means of testifying must be:

1. posted on the Judicial Branch's website;
2. included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation; and
3. included in any written or electronic form provided to a person who applies for and receives a family violence protective order or a civil restraining order.

### ***Legal Assistance Grant Program (§§ 18 & 19)***

The bill (1) establishes a grant program to provide legal assistance to indigent individuals when applying for temporary restraining orders and (2) funds it by using money from state lawsuit settlements.

***Administering Organization.*** The program must be administered by the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts.

***Request for Proposals (RFP).*** Under the bill, within three months of receiving funding each year (see "*Program Funding*" below), the administering organization must issue an RFP from nonprofit entities whose principal purpose is providing legal services to indigent individuals for the purpose of awarding grants. Under the program, the nonprofit entity will (1) provide counsel to indigent individuals who are

interested in applying for a restraining order and (2) represent the individuals throughout the process, including at prehearing conferences and at the hearing on an application, to the extent practicable within the funding awarded.

A nonprofit entity responding to the RFP may partner with law schools, other non-profit entities, or non-governmental, publicly funded organizations to provide services under a grant. Each RFP response must specify the judicial district courthouse or courthouses for which services will be provided.

**Judicial Districts and Grant Amounts.** The organization administering the program may only award a grant to provide services in the Fairfield, Hartford, New Haven, Stamford-Norwalk, or Waterbury judicial districts. Grants must not exceed \$200,000, except a grant to provide services in the judicial district with the highest average number of applications for civil restraining orders over the previous three fiscal years may receive a grant of up to \$400,000.

Grants may not be used to provide services to individuals who are not indigent.

**Grant Eligibility.** The organization administering the program may only award a grant to a nonprofit entity whose principal purpose is providing legal services to individuals who are indigent, if it demonstrates the ability to:

1. verify, when meeting with a potential client, that he or she is indigent and meets applicable household income eligibility requirements the entity sets;
2. arrange for at least one individual who has relevant training or experience and is authorized to provide legal counsel regarding restraining orders to be present in the courthouse or courthouses identified in response to the RFP during all business hours;
3. provide continued representation to individuals throughout and, if requested, after the restraining order process to the extent

practicable within the funding awarded;

4. provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms; and
5. track and report to the organization administering the program on the services provided, including (a) the procedural outcomes; (b) the number of instances where legal counsel was provided before filing an application but not during the remainder of the restraining order process and why; and (c) information on any other legal representation provided.

**Grant Award Preference.** In awarding grants, preference must be given to nonprofit entities with experience offering legal representation to individuals during the restraining order process or that (1) demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the restraining order application or (2) can provide quality remote services should courthouses be closed to the public.

**Courthouse Office Space.** The chief court administrator must provide each grant recipient with office space in the judicial district courthouse or courthouses to conduct intake interviews and assist clients with applications for restraining orders. The chief court administrator must also require court clerks at these courthouses, before accepting a restraining order application, to inform each applicant or person inquiring about filing an application about pro bono legal services that are available from the grant recipient for income-eligible individuals and where they can be found.

**Judicial Branch Website Information.** The bill requires the chief court administrator to post information about the pro bono legal services described above on the Judicial Branch's website where restraining order filing instructions are provided.

**Analysis of Program Impact.** Under the bill, for each year that the

program is funded, the organization administering the program must conduct, or partner with an academic institution or other qualified entity to conduct, an analysis of the program's impact, including the:

1. procedural outcomes for applications the program assisted with;
2. types and extent of legal services provided under the program, including on matters ancillary to the restraining order application; and
3. number of cases where legal services were provided before an application was filed but not during the restraining order process, and why.

**Report to the Legislature.** By July 1 of the year following any year in which the program received funding, the administering organization must report the results of the analysis to the Judiciary Committee.

**Program Funding.** During each of the FYs 22 & 23, the bill requires the Attorney General, utilizing transfer invoices, to remit \$1,250,000 to the organization administering the grant program (see § 18 above) from lawsuit settlements to which the state is a party. The FY 23 remittance must occur no later than one year after the FY 22 one. Moneys remitted to the organization must be used for the grant program. Up to 5% of the total amount an organization receives may be used for the reasonable administration costs, including the analysis and report the bill requires (see below).

## **§§ 4-6, 10, 11 & 20 — FAMILY VIOLENCE**

### **Family Violence Crime (§ 4)**

Under existing law, "family violence crime" means a crime other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member (CGS § 46b-38a(3)). "Family violence" is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening between family or



household members. It excludes verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

The bill expands the definition of family violence crime to include 1st and 2nd degree violation of conditions of release and criminal violation of a protective order, a standing criminal protective order, or a restraining order when the condition of release or court order is issued for an act of family violence or a family violence crime.

### ***Family Violence Protective Order (§ 6)***

By law, a family violence protective order may include provisions necessary to protect the victim from threats, harassment, injury, or intimidation by the defendant.

Under the bill, each person who requests and receives a family violence protective order must be given a notice that contains the following language: "If a protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a court proceeding remotely, pursuant to section 46b-15c, as amended by this act, if you provide notice to the court in advance. Please notify the court in writing if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

### ***U Nonimmigrant Status (§ 5)***

Under existing law, each law enforcement agency must designate at least one officer with supervisory duties to expeditiously process, upon the request of a family violence or other crime victim who is an undocumented individual applying for U Nonimmigrant Status, a certification of helpfulness and any subsequent certification the victim requires. (U Nonimmigrant Status is for victims of certain crimes, such as human trafficking, who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.)

***Required Time Frame.*** The bill defines the term "expeditiously,"

and in so doing requires each law enforcement agency, starting July 1, 2021, to provide the certification:

1. within 60 days after receiving the request for certification of helpfulness or
2. within 14 days after receiving the request if (a) the victim is in federal immigration removal proceedings or detained or (b) the victim's child, parents, or siblings would become ineligible for an immigration benefit by virtue of the victim or his or her sibling attaining age 18 years or the victim's child attaining age 21 years.

**Certification.** Under the bill, by signing a certification of helpfulness, the officer or agency is not determining eligibility for U Nonimmigrant Status but only providing information the U.S. Department of Homeland Security requires, certifying that the:

1. requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status (e.g., human trafficking);
2. victim possesses or possessed information regarding that crime;
3. victim has been, is being, or is likely to be helpful in investigating that crime; and
4. victim has not failed or refused to provide reasonably requested information or assistance.

The bill specifies that a current or ongoing investigation, filing of criminal charges, prosecution, or conviction is not required for a victim to request and obtain certification.

### **Secure Courthouse Room (§ 10)**

By law, in each court where family matters or family violence matters are heard or a domestic violence docket is located, the chief court administrator must provide a secure room for family violence crime victims and advocates that is separate from any public or private court

area intended to accommodate the respondent or defendant or their family, friends, attorneys, or witnesses and separate from the state's attorney's office, provided the room is available and its use is practical. The bill requires all courthouses constructed on or after July 1, 2021, to include such a room.

### ***Family Violence Victim Advocate (§ 11)***

The bill expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims.

Under current law, the chief court administrator must allow these services in the Superior Court's Family Division in one or more judicial districts. The bill instead requires that they are provided in the Superior Court's Family Division in each judicial district and in each geographical area court.

Additionally, under the bill, a family violence victim advocate providing services in the Superior Court's Family Division or a geographical area court must be given, upon request, a copy of any police report required to perform his or her duties that is in the possession of the state's attorney, the Department of Emergency Services and Public Protection's Division of State Police, any municipal police department, or any other law enforcement agency.

### ***Conditions of Release (§ 20)***

The bill expands the factors the court may consider when determining what release conditions will reasonably ensure the arrested person's appearance in court and that the safety of any other person will not be endangered.

Under existing law, in determining what release conditions will reasonably ensure the arrested person's appearance, the court may consider the nature and circumstances of the offense and the person's record of prior convictions, past record of court appearance, family ties, employment record, financial resources, character, mental condition, and community ties.

Under the bill, in the case of a 2nd degree violation of a condition of release that was issued for a family violence crime, the court may also consider the heightened risk posed to family violence victims by violations of release conditions.

Similarly, the bill allows the court to consider the heightened risk posed to family violence victims when determining release conditions for people charged with certain class A, B, or C felonies.

Under existing law, the court may consider factors such as the person's past record of court appearance after being admitted to bail and the number and seriousness of charges pending against the arrested person.

#### **§§ 7 & 8 — “BEST INTEREST OF THE CHILD” FACTORS**

The bill expands the list of factors a guardian ad litem (GAL) or counsel for the minor child (CMC) must consider in determining a child's best interest to include the child's physical and emotional safety. The bill makes the same change to the list of factors a court must consider in custody decisions.

#### ***Guardians ad Litem and Counsels for the Minor Child (§ 7)***

By law, a GAL is someone, not necessarily an attorney, who the court appoints during certain proceedings to gather information at its request and report on what he or she believes is in a person's best interest. A CMC is an attorney appointed by the court to advocate in court for a minor child's (under age 18) best interest.

By law, a court may appoint a GAL or CMC in all matters pertaining to the interests of any child, including the custody, care, support, education, and visitation of the child, so long as the court deems such representation to be in the minor child's best interest. The law also provides a list of factors GAL and CMC must consider in determining the child's best interest, such as the effect of an abuser's actions on the child, whether any domestic violence has occurred between the parents or between a parent and another individual or the child, whether the child or his or her sibling has been abused or neglected, and the stability

of the child's existing or proposed residence.

### ***Court Orders and Modifications (§ 8)***

By law the court may make or modify any order regarding the custody, care, education, visitation, and support of the children in its jurisdiction. Under the law, the court in its best judgment may assign parental responsibility for raising the child to (1) the parents jointly, (2) either parent, or (3) a third party. The court may make and modify any order considering, among other things, both parents' rights and responsibilities and other custody arrangements as the court determines to be in the child's best interest. Under existing law, the "best interest of the child" factors the court must consider are the same as described above for GALs and CMCs. The bill similarly expands the list of factors the court, in making and modifying orders, must consider when determining the child's best interest by requiring the court to also consider the child's physical and emotional safety.

### **§§ 12-14 — ASSISTANCE PROGRAMS**

Under the bill's assistance program provisions below, a "domestic violence victim" is someone who has been abused or subjected to extreme cruelty by physical acts that resulted in or were threatened to result in physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

### ***Supplemental Nutrition Assistance Program (SNAP) (§ 12)***

The bill requires the Department of Social Services (DSS) commissioner to expedite SNAP eligibility determinations for domestic violence victims. It requires her to provide an eligible domestic violence victim temporary SNAP benefits for a minimum of 90 days before redetermining benefit eligibility. When calculating the victim's household income as part of an expedited initial eligibility determination, DSS must exclude the income of the victim's spouse, domestic partner, or other household member credibly accused. DSS must take these actions to the extent permissible under federal law.

SNAP is a federally-funded, state-administered program that provides electronic benefit transfer funds to low-income households for food purchases. (Domestic violence victims are not entitled to expedited SNAP benefits under current federal regulations but may be otherwise eligible if they meet the established income standards; see BACKGROUND.)

### ***Child Care Subsidy Program (§ 13)***

The bill requires the Office of Early Childhood (OEC) commissioner, to the extent permissible under federal law and within available appropriations, to waive the Care 4 Kids (C4K) income standards when determining eligibility for at least 90 days from the application date for any alleged domestic violence victim applicant. After which, it requires the OEC commissioner to redetermine eligibility based on the program's income standards. The bill also adds domestic violence victims to the list of applicants who must be given priority in the C4K intake and eligibility process, to the extent permissible under federal law.

The C4K program subsidizes child care costs for low- and moderate-income families while a parent is working or attending a temporary family cash assistance-approved education or training program (i.e., Jobs First).

### ***SAGA Cash Assistance Program (§ 14)***

Under the bill, in determining eligibility for SAGA cash assistance, the DSS commissioner must exclude the income of a domestic violence victim's spouse, domestic partner, or other household member credibly accused of domestic violence for at least 90 days from the application date, within available appropriations. It requires DSS to redetermine eligibility after the 90-day period.

In general, SAGA provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for any other cash assistance program, and are considered "transitional" or "unemployable."

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**Substantiated Allegations (§§ 12-14)**

The bill specifies that for the SNAP, C4K program, and SAGA food assistance programs, the OEC commissioner may substantiate the allegations of domestic violence.

By law, allegations by a domestic violence victim may be enough to establish domestic violence where DSS has no independent, reasonable basis to find the applicant or recipient not credible. A victim may be required to provide a sworn statement or to submit to the department any available evidence including the following: (1) police, government agency, or court records; (2) documentation from a shelter worker or legal, medical, clerical, or other professional from whom the applicant or recipient sought assistance in dealing with domestic violence; or (3) a statement from someone with knowledge of the circumstances that provide the basis for the claim (CGS § 17b-112a).

**§§ 15-17 — INSURANCE**

Under the bill's insurance coverage prohibitions below, a "domestic violence victim" is someone who has been abused or subjected to extreme cruelty by physical acts that resulted in or were threatened to result in physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

**Individual and Group Health Insurance (§§ 15 & 17)**

Current law makes it an unfair insurance practice for health insurers to refuse to insure, refuse to continue to insure, or limit the amount, extent, or kind of coverage available to an individual or charge a different rate for the same coverage because the person has been a victim of family violence. The bill applies these restrictions based instead on the person's status as a domestic violence victim as defined above.

Under existing law, these provisions apply to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic

medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. It also applies to individual health insurance policies that cover (1) limited benefits and (2) accidents only. The bill additionally applies this prohibition to disability income protection policies.

### ***Property and Casualty (§§ 15 & 17)***

The bill also prohibits property and casualty insurers from making any distinction or discriminating against a person when issuing, renewing, amending, or terminating a policy or setting premiums or coverage terms because the person has been a domestic violence victim.

### ***Life Insurance (§ 16)***

Under existing law, life insurance companies are prohibited from engaging in discriminatory practices based on race. Generally, the law prohibits life insurance companies doing business in the state from:

1. making any distinction or discrimination between individuals based on race as to the premiums or rates charged for policies upon the lives of such persons;
2. demanding or requiring greater premiums from individuals of one race than what at that time is required by that company from individuals of another race; or
3. making or requiring any rebate, diminution, or discount based on race.

The bill expands this by including domestic violence victim status as an additional basis on which life insurance companies are prohibited from discriminating.

### ***Unfair Insurance Practices Act (§§ 15-17)***

The bill makes violations of any of the above provisions a Connecticut Unfair Insurance Practices Act violation.

The law prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to



conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order.

### **§§ 21 & 23 — INTIMIDATION BASED ON BIGOTRY OR BIAS**

Under current law, the crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

The bill expands these crimes to include any such action that is motivated in whole or in substantial part by any of the attributes listed above, whether actual or perceived.

#### ***First-Degree Intimidation (§ 21)***

Under current law, a person commits the 1st degree crime of intimidation based on bigotry or bias if he or she, maliciously and with specific intent to intimidate or harass someone because of any of the attributes listed above, whether actual or perceived, caused physical injury to that person or a third person (CGS § 53a-181j).

By law, 1st degree intimidation is a class C felony punishable by a fine of up to \$10,000 with a \$3,000 minimum, up to 10 years in prison, or both.

#### ***Second-Degree Intimidation (§ 22)***

Under current law a person commits the 2nd degree crime of

intimidation if he or she acts maliciously and with specific intent to intimidate or harass another individual or a group of people because of any of the attributes listed above, whether actual or perceived, by:

1. making physical contact with the victim;
2. damaging, destroying, or defacing property; or
3. threatening to do either of these things, and the victim has reasonable cause to believe he or she will carry out the threat (CGS § 53a-181k).

By law, 2nd degree intimidation is a class D felony punishable by a fine of up to \$5,000 with a \$1,000 minimum, up to five years in prison, or both.

### ***Third-Degree Intimidation (§ 23)***

Under current law, a person commits the 3rd degree crime if he or she intends to intimidate or harass someone or a group of people because of any of the attributes listed above, whether actual or perceived, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur (CGS § 53a-181l).

By law, 3rd degree intimidation is a class E felony punishable by a fine of up to \$3,500 with a \$1,000 minimum, up to three years in prison, or both.

## **BACKGROUND**

### ***Related Bills***

sHB 6321 (File 461), favorably reported by the Judiciary Committee, adopts the Uniform Parentage Act which, among other things, (1) provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates “best interest of the child” factors that the court must consider); (2) provides the process for establishing acknowledged parentage through an acknowledgment

agreement; and (3) provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement.

In doing so, the bill also makes conforming changes throughout the statutes addressing things such as family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support) and process in certain civil actions (e.g., paternity, support, and costs and fees related to wills and trusts).

sHB 6520 (File 343), favorably reported by the Human Services Committee, has provisions identical to the sections of this bill that pertain to assistance programs (§§ 12-14).

HB 6590 (File 346), favorably reported by the Insurance and Real Estate Committee, contains substantially similar provisions about discriminatory actions by insurers on the basis of domestic violence victim status (§§ 15-17).

### ***Family Relations Matters***

By law, “family relations matters” generally include divorce; legal separation; annulment; alimony; support; custody; visitation; civil restraining orders; name change; civil support obligations; petitions on behalf of a mentally ill person not charged with a crime; wrongful convictions; juvenile matters; paternity; appeals from probate court decisions about adoption, termination of parental rights, appointment and removal of guardians, custody of a minor child, appointment and removal of conservators, child custody orders, and other commitment orders; actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; dissolution, legal separation, or annulment of a civil union performed in a foreign jurisdiction; interstate child custody matters; and all other matters within the Superior Court’s jurisdiction about children or family relations as the court determines (CGS § 46b-1).

### ***Expedited SNAP Benefits***

Under federal regulations, DSS must post expedited SNAP benefits

to the household’s electronic benefit transfer (EBT) card by the seventh calendar day following its application filing date (7 C.F.R. § 273.2(i)(3)(i)). This time limit would also apply to residents of shelters for battered women and children who are otherwise entitled to expedited [service](#) (7 C.F.R. § 273.2(i)(3)(v)).

The following households are entitled to expedited service:

1. households with less than \$150 in monthly gross income, provided their liquid resources (e.g., cash, checking, or savings accounts) do not exceed \$100;
2. migrant or seasonal farmworker households that are destitute, provided their liquid resources do not exceed \$100; and
3. households with a combined monthly gross income and liquid resources that are less than their monthly rent or mortgage, and utilities (7 C.F.R. § 273.2(i)(1)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 4 (04/08/2021)