

**Proposed Substitute
Bill No. 1091**

LCO No. 6573

AN ACT CONCERNING A STUDY OF CRIMINAL LAWS OF THIS STATE.

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 Section 46b-1 of the general statutes is repealed and the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

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

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

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

49 (D) Compelling the household or family member by force, threat or
50 intimidation, including, but not limited to, threats based on actual or
51 suspected immigration status, to (i) engage in conduct from which such

52 household or family member has a right to abstain, or (ii) abstain from
53 conduct that such household or family member has a right to pursue;

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

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

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 Section 46b-15 of the general statutes is repealed and the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

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

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

82 (B) Depriving the applicant of basic necessities;

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

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

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

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

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

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

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

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

170 (d) Any ex parte restraining order entered under subsection (b) of this
171 section in which the applicant and respondent are spouses, or persons
172 who have a dependent child or children in common and who live
173 together, may include, if no order exists, and if necessary to maintain
174 the safety and basic needs of the applicant or the dependent child or
175 children in common of the applicant and respondent, in addition to any
176 orders authorized under subsection (b) of this section, any of the
177 following: (1) An order prohibiting the respondent from (A) taking any
178 action that could result in the termination of any necessary utility
179 services or necessary services related to the family dwelling or the

180 dwelling of the applicant, (B) taking any action that could result in the
181 cancellation, change of coverage or change of beneficiary of any health,
182 automobile or homeowners insurance policy to the detriment of the
183 applicant or the dependent child or children in common of the applicant
184 and respondent, or (C) transferring, encumbering, concealing or
185 disposing of specified property owned or leased by the applicant; or (2)
186 an order providing the applicant with temporary possession of an
187 automobile, checkbook, documentation of health, automobile or
188 homeowners insurance, a document needed for purposes of proving
189 identity, a key or other necessary specified personal effects.

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

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

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

248 years, a fine of not more than ten thousand dollars, or both."

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

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

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

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

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

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

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

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

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

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

346 (l) For purposes of this section, "police officer" means a state police
347 officer or a sworn member of a municipal police department and "law
348 enforcement agency" means the Division of State Police within the
349 Department of Emergency Services and Public Protection or any
350 municipal police department.

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

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

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

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

374 (d) A notice describing the provisions of subsection (a) of this section
375 shall be (1) posted on the Internet web site of the Judicial Branch, (2)
376 included in any written or electronic form that describes the automatic

377 orders in cases involving a dissolution of marriage or legal separation
378 under section 46b-40, and (3) included in any written or electronic form
379 provided to a person who applies for and receives a protective order
380 under section 46b-38c, as amended by this act, or a restraining order,
381 under section 46b-15, as amended by this act.

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

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

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

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

409 helpfulness, or not later than fourteen days after the date of receipt of
410 such request if (I) the victim is in federal immigration removal
411 proceedings or detained, or (II) the victim's child, parents or siblings
412 would become ineligible for an immigration benefit by virtue of the
413 victim or the sibling of such victim attaining the age of eighteen years,
414 or the victim's child attaining the age of twenty-one years.

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

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

431 (e) (1) A protective order issued under this section may include
432 provisions necessary to protect the victim from threats, harassment,
433 injury or intimidation by the defendant, including, but not limited to, an
434 order enjoining the defendant from (1) imposing any restraint upon the
435 person or liberty of the victim, (2) threatening, harassing, assaulting,
436 molesting or sexually assaulting the victim, or (3) entering the family
437 dwelling or the dwelling of the victim. A protective order issued under
438 this section may include provisions necessary to protect any animal
439 owned or kept by the victim including, but not limited to, an order
440 enjoining the defendant from injuring or threatening to injure such

441 animal. Such order shall be made a condition of the bail or release of the
442 defendant and shall contain the following notification: "In accordance
443 with section 53a-223 of the Connecticut general statutes, any violation
444 of this order constitutes criminal violation of a protective order which is
445 punishable by a term of imprisonment of not more than ten years, a fine
446 of not more than ten thousand dollars, or both. Additionally, in
447 accordance with section 53a-107 of the Connecticut general statutes,
448 entering or remaining in a building or any other premises in violation
449 of this order constitutes criminal trespass in the first degree which is
450 punishable by a term of imprisonment of not more than one year, a fine
451 of not more than two thousand dollars, or both. Violation of this order
452 also violates a condition of your bail or release, and may result in raising
453 the amount of bail or revoking release." Every order of the court made
454 in accordance with this section after notice and hearing shall be
455 accompanied by a notification that is consistent with the full faith and
456 credit provisions set forth in 18 USC 2265(a), as amended from time to
457 time. The information contained in and concerning the issuance of any
458 protective order issued under this section shall be entered in the registry
459 of protective orders pursuant to section 51-5c.

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

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

472 (f) When recommending the entry of any order as provided in

473 subsections (a) and (b) of section 46b-56, as amended by this act, counsel
474 or a guardian ad litem for the minor child shall consider the best
475 interests of the child, and in doing so shall consider, but not be limited
476 to, one or more of the following factors: (1) The physical and emotional
477 safety of the child; (2) ~~the~~ [The] temperament and developmental needs
478 of the child; [(2)] (3) the capacity and the disposition of the parents to
479 understand and meet the needs of the child; [(3)] (4) any relevant and
480 material information obtained from the child, including the informed
481 preferences of the child; [(4)] (5) the wishes of the child's parents as to
482 custody; [(5)] (6) the past and current interaction and relationship of the
483 child with each parent, the child's siblings and any other person who
484 may significantly affect the best interests of the child; [(6)] (7) the
485 willingness and ability of each parent to facilitate and encourage such
486 continuing parent-child relationship between the child and the other
487 parent as is appropriate, including compliance with any court orders;
488 [(7)] (8) any manipulation by or coercive behavior of the parents in an
489 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
490 each parent to be actively involved in the life of the child; [(9)] (10) the
491 child's adjustment to his or her home, school and community
492 environments; [(10)] (11) the length of time that the child has lived in a
493 stable and satisfactory environment and the desirability of maintaining
494 continuity in such environment, provided counsel or a guardian ad
495 litem for the minor child may consider favorably a parent who
496 voluntarily leaves the child's family home pendente lite in order to
497 alleviate stress in the household; [(11)] (12) the stability of the child's
498 existing or proposed residences, or both; [(12)] (13) the mental and
499 physical health of all individuals involved, except that a disability of a
500 proposed custodial parent or other party, in and of itself, shall not be
501 determinative of custody unless the proposed custodial arrangement is
502 not in the best interests of the child; [(13)] (14) the child's cultural
503 background; [(14)] (15) the effect on the child of [the actions of an abuser,
504 if] any domestic violence, as described in section 46b-15, as amended by
505 this act, that has occurred between the parents or between a parent and
506 another individual or the child; [(15)] (16) whether the child or a sibling

507 of the child has been abused or neglected, as defined respectively in
508 section 46b-120; and [(16)] (17) whether a party satisfactorily completed
509 participation in a parenting education program established pursuant to
510 section 46b-69b. Counsel or a guardian ad litem for the minor child shall
511 not be required to assign any weight to any of the factors considered.

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

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

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

539 award of sole custody to one parent with appropriate parenting time for
540 the noncustodial parent where sole custody is in the best interests of the
541 child; or (4) any other custody arrangements as the court may determine
542 to be in the best interests of the child.

543 (c) In making or modifying any order as provided in subsections (a)
544 and (b) of this section, the court shall consider the best interests of the
545 child, and in doing so, may consider, but shall not be limited to, one or
546 more of the following factors: (1) The physical and emotional safety of
547 the child; (2) [The] the temperament and developmental needs of the
548 child; [(2)] (3) the capacity and the disposition of the parents to
549 understand and meet the needs of the child; [(3)] (4) any relevant and
550 material information obtained from the child, including the informed
551 preferences of the child; [(4)] (5) the wishes of the child's parents as to
552 custody; [(5)] (6) the past and current interaction and relationship of the
553 child with each parent, the child's siblings and any other person who
554 may significantly affect the best interests of the child; [(6)] (7) the
555 willingness and ability of each parent to facilitate and encourage such
556 continuing parent-child relationship between the child and the other
557 parent as is appropriate, including compliance with any court orders;
558 [(7)] (8) any manipulation by or coercive behavior of the parents in an
559 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
560 each parent to be actively involved in the life of the child; [(9)] (10) the
561 child's adjustment to his or her home, school and community
562 environments; [(10)] (11) the length of time that the child has lived in a
563 stable and satisfactory environment and the desirability of maintaining
564 continuity in such environment, provided the court may consider
565 favorably a parent who voluntarily leaves the child's family home
566 pendente lite in order to alleviate stress in the household; [(11)] (12) the
567 stability of the child's existing or proposed residences, or both; [(12)] (13)
568 the mental and physical health of all individuals involved, except that a
569 disability of a proposed custodial parent or other party, in and of itself,
570 shall not be determinative of custody unless the proposed custodial
571 arrangement is not in the best interests of the child; [(13)] (14) the child's
572 cultural background; [(14)] (15) the effect on the child of [the actions of

573 an abuser, if] any domestic violence, as described in section 46b-15, as
574 amended by this act, that has occurred between the parents or between
575 a parent and another individual or the child; [(15)] (16) whether the child
576 or a sibling of the child has been abused or neglected, as defined
577 respectively in section 46b-120; and [(16)] (17) whether the party
578 satisfactorily completed participation in a parenting education program
579 established pursuant to section 46b-69b. The court is not required to
580 assign any weight to any of the factors that it considers, but shall
581 articulate the basis for its decision.

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

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

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

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

602 (h) Notwithstanding the provisions of subsections (b) and (c) of this
603 section, when a motion for modification of custody or visitation is

604 pending before the court or has been decided by the court and the
605 investigation ordered by the court pursuant to section 46b-6
606 recommends psychiatric or psychological therapy for a child, and such
607 therapy would, in the court's opinion, be in the best interests of the child
608 and aid the child's response to a modification, the court may order such
609 therapy and reserve judgment on the motion for modification.

610 (i) As part of a decision concerning custody or visitation, the court
611 may order either parent or both of the parents and any child of such
612 parents to participate in counseling and drug or alcohol screening,
613 provided such participation is in the best interests of the child.

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

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

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

634 Sec. 11. Section 51-27i of the general statutes is repealed and the

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

636 (a) As used in this section:

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

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

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

659 (c) Notwithstanding any provision of the general statutes, upon
660 request, a family violence victim advocate providing services in the
661 Family Division of the Superior Court or a geographical area court shall
662 be provided with a copy of any police report in the possession of the
663 state's attorney, the Division of State Police within the Department of
664 Emergency Services and Public Protection, any municipal police
665 department or any other law enforcement agency that the family

666 violence victim advocate requires to perform the responsibilities and
667 duties set forth in subsection (b) of this section.

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

670 (a) The Commissioner of Social Services shall seek a waiver from
671 federal law to allow persons who live in an area in which (1) the
672 unemployment rate is greater than ten per cent, or (2) there is an
673 insufficient number of jobs to provide such persons with employment,
674 to be exempt from the three-month participation limit of the
675 supplemental nutrition assistance program implemented pursuant to
676 the Food and Nutrition Act of 2008.

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

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

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

697 credibly accused by such victim of domestic violence. For purposes of
698 this subsection, allegations of domestic violence may be substantiated
699 by the commissioner pursuant to the provisions of subsection (b) of
700 section 17b-112a.

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

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

725 (c) The commissioner, in consultation with the Commissioner of
726 Social Services, shall establish eligibility and program standards
727 including, but not limited to: (1) A priority intake and eligibility system
728 with preference given to serving (A) victims of domestic violence, as

729 defined in section 17b-112a, (B) recipients of temporary family
730 assistance who are employed or engaged in employment activities
731 under the Department of Social Services' "Jobs First" program, [(B)] (C)
732 working families whose temporary family assistance was discontinued
733 not more than five years prior to the date of application for the child care
734 subsidy program, [(C)] (D) teen parents, [(D)] (E) low-income working
735 families, [(E)] (F) adoptive families of children who were adopted from
736 the Department of Children and Families and who are granted a waiver
737 of income standards under subdivision (2) of subsection (b) of this
738 section, and [(F)] (G) working families who are at risk of welfare
739 dependency; (2) health and safety standards for child care providers not
740 required to be licensed; (3) a reimbursement system for child care
741 services which account for differences in the age of the child, number of
742 children in the family, the geographic region and type of care provided
743 by licensed and unlicensed caregivers, the cost and type of services
744 provided by licensed and unlicensed caregivers, successful completion
745 of fifteen hours of annual in-service training or credentialing of child
746 care directors and administrators, and program accreditation; (4)
747 supplemental payment for special needs of the child and extended
748 nontraditional hours; (5) an annual rate review process for providers
749 which assures that reimbursement rates are maintained at levels which
750 permit equal access to a variety of child care settings; (6) a sliding
751 reimbursement scale for participating families; (7) an administrative
752 appeals process; (8) an administrative hearing process to adjudicate
753 cases of alleged fraud and abuse and to impose sanctions and recover
754 overpayments; (9) an extended period of program and payment
755 eligibility when a parent who is receiving a child care subsidy
756 experiences a temporary interruption in employment or other approved
757 activity; and (10) a waiting list for the child care subsidy program that
758 (A) allows the commissioner to exercise discretion in prioritizing within
759 and between existing priority groups, including, but not limited to,
760 children described in 45 CFR 98.46, as amended from time to time, and
761 households with an infant or toddler, and (B) reflects the priority and
762 eligibility system set forth in subdivision (1) of this subsection [, which

763 is reviewed periodically,] with the inclusion of this information in the
764 annual report required to be issued [annually] by the office to the
765 Governor and the General Assembly in accordance with section 17b-733.
766 Such action will include, but not be limited to, family income, age of
767 child, region of state and length of time on such waiting list.

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

771 (c) To be eligible for cash assistance under the program, a person shall
772 (1) be (A) eighteen years of age or older; (B) a minor found by a court to
773 be emancipated pursuant to section 46b-150; or (C) under eighteen years
774 of age and the commissioner determines good cause for such person's
775 eligibility, and (2) not have assets exceeding two hundred fifty dollars
776 or, if such person is married, such person and his or her spouse shall not
777 have assets exceeding five hundred dollars. In determining eligibility,
778 the commissioner shall not consider as income (A) Aid and Attendance
779 pension benefits granted to a veteran, as defined in section 27-103, or the
780 surviving spouse of such veteran, or (B) for a period not less than ninety
781 days from the date of application, the income of a spouse, domestic
782 partner or other household member credibly accused of domestic
783 violence by a victim of domestic violence, as defined in section 17b-112a.
784 The commissioner shall redetermine the eligibility of a victim of
785 domestic violence after ninety days. For purposes of this subsection,
786 allegations of domestic violence may be substantiated by the
787 commissioner pursuant to the provisions of subsection (b) of section
788 17b-112a. No person who is a substance abuser and refuses or fails to
789 enter available, appropriate treatment shall be eligible for cash
790 assistance under the program until such person enters treatment. No
791 person whose benefits from the temporary family assistance program
792 have terminated as a result of time-limited benefits or for failure to
793 comply with a program requirement shall be eligible for cash assistance
794 under the program.

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

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

799 (1) Misrepresentations and false advertising of insurance policies.
800 Making, issuing or circulating, or causing to be made, issued or
801 circulated, any estimate, illustration, circular or statement, sales
802 presentation, omission or comparison which: (A) Misrepresents the
803 benefits, advantages, conditions or terms of any insurance policy; (B)
804 misrepresents the dividends or share of the surplus to be received, on
805 any insurance policy; (C) makes any false or misleading statements as
806 to the dividends or share of surplus previously paid on any insurance
807 policy; (D) is misleading or is a misrepresentation as to the financial
808 condition of any person, or as to the legal reserve system upon which
809 any life insurer operates; (E) uses any name or title of any insurance
810 policy or class of insurance policies misrepresenting the true nature
811 thereof; (F) is a misrepresentation, including, but not limited to, an
812 intentional misquote of a premium rate, for the purpose of inducing or
813 tending to induce to the purchase, lapse, forfeiture, exchange,
814 conversion or surrender of any insurance policy; (G) is a
815 misrepresentation for the purpose of effecting a pledge or assignment of
816 or effecting a loan against any insurance policy; or (H) misrepresents
817 any insurance policy as being shares of stock.

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

827 deceptive or misleading.

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

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

839 (5) False financial statements. Filing with any supervisory or other
840 public official, or making, publishing, disseminating, circulating or
841 delivering to any person, or placing before the public, or causing,
842 directly or indirectly, to be made, published, disseminated, circulated or
843 delivered to any person, or placed before the public, any false statement
844 of financial condition of an insurer with intent to deceive; or making any
845 false entry in any book, report or statement of any insurer with intent to
846 deceive any agent or examiner lawfully appointed to examine into its
847 condition or into any of its affairs, or any public official to whom such
848 insurer is required by law to report, or who has authority by law to
849 examine into its condition or into any of its affairs, or, with like intent,
850 wilfully omitting to make a true entry of any material fact pertaining to
851 the business of such insurer in any book, report or statement of such
852 insurer.

853 (6) Unfair claim settlement practices. Committing or performing with
854 such frequency as to indicate a general business practice any of the
855 following: (A) Misrepresenting pertinent facts or insurance policy
856 provisions relating to coverages at issue; (B) failing to acknowledge and
857 act with reasonable promptness upon communications with respect to
858 claims arising under insurance policies; (C) failing to adopt and

859 implement reasonable standards for the prompt investigation of claims
860 arising under insurance policies; (D) refusing to pay claims without
861 conducting a reasonable investigation based upon all available
862 information; (E) failing to affirm or deny coverage of claims within a
863 reasonable time after proof of loss statements have been completed; (F)
864 not attempting in good faith to effectuate prompt, fair and equitable
865 settlements of claims in which liability has become reasonably clear; (G)
866 compelling insureds to institute litigation to recover amounts due under
867 an insurance policy by offering substantially less than the amounts
868 ultimately recovered in actions brought by such insureds; (H)
869 attempting to settle a claim for less than the amount to which a
870 reasonable man would have believed he was entitled by reference to
871 written or printed advertising material accompanying or made part of
872 an application; (I) attempting to settle claims on the basis of an
873 application which was altered without notice to, or knowledge or
874 consent of the insured; (J) making claims payments to insureds or
875 beneficiaries not accompanied by statements setting forth the coverage
876 under which the payments are being made; (K) making known to
877 insureds or claimants a policy of appealing from arbitration awards in
878 favor of insureds or claimants for the purpose of compelling them to
879 accept settlements or compromises less than the amount awarded in
880 arbitration; (L) delaying the investigation or payment of claims by
881 requiring an insured, claimant, or the physician of either to submit a
882 preliminary claim report and then requiring the subsequent submission
883 of formal proof of loss forms, both of which submissions contain
884 substantially the same information; (M) failing to promptly settle claims,
885 where liability has become reasonably clear, under one portion of the
886 insurance policy coverage in order to influence settlements under other
887 portions of the insurance policy coverage; (N) failing to promptly
888 provide a reasonable explanation of the basis in the insurance policy in
889 relation to the facts or applicable law for denial of a claim or for the offer
890 of a compromise settlement; (O) using as a basis for cash settlement with
891 a first party automobile insurance claimant an amount which is less than
892 the amount which the insurer would pay if repairs were made unless

893 such amount is agreed to by the insured or provided for by the
894 insurance policy.

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

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

907 (9) Any violation of any one of sections 38a-358, 38a-446, 38a-447, as
908 amended by this act, 38a-488, 38a-825, 38a-826, 38a-828 and 38a-829.
909 None of the following practices shall be considered discrimination
910 within the meaning of section 38a-446 or 38a-488 or a rebate within the
911 meaning of section 38a-825: (A) Paying bonuses to policyholders or
912 otherwise abating their premiums in whole or in part out of surplus
913 accumulated from nonparticipating insurance, provided any such
914 bonuses or abatement of premiums shall be fair and equitable to
915 policyholders and for the best interests of the company and its
916 policyholders; (B) in the case of policies issued on the industrial debit
917 plan, making allowance to policyholders who have continuously for a
918 specified period made premium payments directly to an office of the
919 insurer in an amount which fairly represents the saving in collection
920 expense; (C) readjustment of the rate of premium for a group insurance
921 policy based on loss or expense experience, or both, at the end of the
922 first or any subsequent policy year, which may be made retroactive for
923 such policy year.

924 (10) Notwithstanding any provision of any policy of insurance,

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

933 (11) Favored agent or insurer: Coercion of debtors. (A) No person
934 may (i) require, as a condition precedent to the lending of money or
935 extension of credit, or any renewal thereof, that the person to whom
936 such money or credit is extended or whose obligation the creditor is to
937 acquire or finance, negotiate any policy or contract of insurance through
938 a particular insurer or group of insurers or producer or group of
939 producers; (ii) unreasonably disapprove the insurance policy provided
940 by a borrower for the protection of the property securing the credit or
941 lien; (iii) require directly or indirectly that any borrower, mortgagor,
942 purchaser, insurer or producer pay a separate charge, in connection
943 with the handling of any insurance policy required as security for a loan
944 on real estate or pay a separate charge to substitute the insurance policy
945 of one insurer for that of another; or (iv) use or disclose information
946 resulting from a requirement that a borrower, mortgagor or purchaser
947 furnish insurance of any kind on real property being conveyed or used
948 as collateral security to a loan, when such information is to the
949 advantage of the mortgagee, vendor or lender, or is to the detriment of
950 the borrower, mortgagor, purchaser, insurer or the producer complying
951 with such a requirement.

952 (B) (i) Subparagraph (A)(iii) of this subdivision shall not include the
953 interest which may be charged on premium loans or premium
954 advancements in accordance with the security instrument. (ii) For
955 purposes of subparagraph (A)(ii) of this subdivision, such disapproval
956 shall be deemed unreasonable if it is not based solely on reasonable
957 standards uniformly applied, relating to the extent of coverage required

958 and the financial soundness and the services of an insurer. Such
959 standards shall not discriminate against any particular type of insurer,
960 nor shall such standards call for the disapproval of an insurance policy
961 because such policy contains coverage in addition to that required. (iii)
962 The commissioner may investigate the affairs of any person to whom
963 this subdivision applies to determine whether such person has violated
964 this subdivision. If a violation of this subdivision is found, the person in
965 violation shall be subject to the same procedures and penalties as are
966 applicable to other provisions of section 38a-815, subsections (b) and (e)
967 of section 38a-817 and this section. (iv) For purposes of this section,
968 "person" includes any individual, corporation, limited liability
969 company, association, partnership or other legal entity.

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

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

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

995 (15) (A) Failure by an insurer, or any other entity responsible for
996 providing payment to a health care provider pursuant to an insurance
997 policy, to pay accident and health claims, including, but not limited to,
998 claims for payment or reimbursement to health care providers, within
999 the time periods set forth in subparagraph (B) of this subdivision, unless
1000 the Insurance Commissioner determines that a legitimate dispute exists
1001 as to coverage, liability or damages or that the claimant has fraudulently
1002 caused or contributed to the loss. Any insurer, or any other entity
1003 responsible for providing payment to a health care provider pursuant
1004 to an insurance policy, who fails to pay such a claim or request within
1005 the time periods set forth in subparagraph (B) of this subdivision shall
1006 pay the claimant or health care provider the amount of such claim plus
1007 interest at the rate of fifteen per cent per annum, in addition to any other
1008 penalties which may be imposed pursuant to sections 38a-11, 38a-25,
1009 38a-41 to 38a-53, inclusive, 38a-57 to 38a-60, inclusive, 38a-62 to 38a-64,
1010 inclusive, 38a-76, 38a-83, 38a-84, 38a-117 to 38a-124, inclusive, 38a-129
1011 to 38a-140, inclusive, 38a-146 to 38a-155, inclusive, 38a-283, 38a-288 to
1012 38a-290, inclusive, 38a-319, 38a-320, 38a-459, 38a-464, 38a-815 to 38a-819,
1013 inclusive, 38a-824 to 38a-826, inclusive, and 38a-828 to 38a-830,
1014 inclusive. Whenever the interest due a claimant or health care provider
1015 pursuant to this section is less than one dollar, the insurer shall deposit
1016 such amount in a separate interest-bearing account in which all such
1017 amounts shall be deposited. At the end of each calendar year each such
1018 insurer shall donate such amount to The University of Connecticut
1019 Health Center.

1020 (B) Each insurer or other entity responsible for providing payment to
1021 a health care provider pursuant to an insurance policy subject to this
1022 section, shall pay claims not later than:

1023 (i) For claims filed in paper format, sixty days after receipt by the
1024 insurer of the claimant's proof of loss form or the health care provider's
1025 request for payment filed in accordance with the insurer's practices or
1026 procedures, except that when there is a deficiency in the information
1027 needed for processing a claim, as determined in accordance with section
1028 38a-477, the insurer shall (I) send written notice to the claimant or health
1029 care provider, as the case may be, of all alleged deficiencies in
1030 information needed for processing a claim not later than thirty days
1031 after the insurer receives a claim for payment or reimbursement under
1032 the contract, and (II) pay claims for payment or reimbursement under
1033 the contract not later than thirty days after the insurer receives the
1034 information requested; and

1035 (ii) For claims filed in electronic format, twenty days after receipt by
1036 the insurer of the claimant's proof of loss form or the health care
1037 provider's request for payment filed in accordance with the insurer's
1038 practices or procedures, except that when there is a deficiency in the
1039 information needed for processing a claim, as determined in accordance
1040 with section 38a-477, the insurer shall (I) notify the claimant or health
1041 care provider, as the case may be, of all alleged deficiencies in
1042 information needed for processing a claim not later than ten days after
1043 the insurer receives a claim for payment or reimbursement under the
1044 contract, and (II) pay claims for payment or reimbursement under the
1045 contract not later than ten days after the insurer receives the information
1046 requested.

1047 (C) As used in this subdivision, "health care provider" means a person
1048 licensed to provide health care services under chapter 368d, chapter
1049 368v, chapters 370 to 373, inclusive, 375 to 383c, inclusive, 384a to 384c,
1050 inclusive, or chapter 400j.

1051 (16) Failure to pay, as part of any claim for a damaged motor vehicle
1052 under any automobile insurance policy where the vehicle has been
1053 declared to be a constructive total loss, an amount equal to the sum of
1054 (A) the settlement amount on such vehicle plus, whenever the insurer

1055 takes title to such vehicle, (B) an amount determined by multiplying
1056 such settlement amount by a percentage equivalent to the current sales
1057 tax rate established in section 12-408. For purposes of this subdivision,
1058 "constructive total loss" means the cost to repair or salvage damaged
1059 property, or the cost to both repair and salvage such property, equals or
1060 exceeds the total value of the property at the time of the loss.

1061 (17) Any violation of section 42-260, by an extended warranty
1062 provider subject to the provisions of said section, including, but not
1063 limited to: (A) Failure to include all statements required in subsections
1064 (c) and (f) of section 42-260 in an issued extended warranty; (B) offering
1065 an extended warranty without being (i) insured under an adequate
1066 extended warranty reimbursement insurance policy or (ii) able to
1067 demonstrate that reserves for claims contained in the provider's
1068 financial statements are not in excess of one-half the provider's audited
1069 net worth; (C) failure to submit a copy of an issued extended warranty
1070 form or a copy of such provider's extended warranty reimbursement
1071 policy form to the Insurance Commissioner.

1072 (18) With respect to an insurance company, hospital service
1073 corporation, health care center or fraternal benefit society providing
1074 individual or group health insurance coverage of the types specified in
1075 subdivisions (1), (2), (4), (5), (6), (10), (11) and (12) of section 38a-469,
1076 refusing to insure, refusing to continue to insure or limiting the amount,
1077 extent or kind of coverage available to an individual or charging an
1078 individual a different rate for the same coverage because such
1079 individual has been a victim of [family] domestic violence, as defined in
1080 section 17b-112a.

1081 (19) With respect to a property and casualty insurer delivering,
1082 issuing for delivery, renewing, amending, continuing or endorsing a
1083 property or casualty insurance policy, making any distinction or
1084 discrimination against an individual in delivering, issuing for delivery,
1085 renewing, amending, continuing, endorsing, offering, withholding,
1086 cancelling or setting premiums for such policy, or in the terms of such

1087 policy, because the individual has been a victim of domestic violence, as
1088 defined in section 17b-112a.

1089 [(19)] (20) With respect to an insurance company, hospital service
1090 corporation, health care center or fraternal benefit society providing
1091 individual or group health insurance coverage of the types specified in
1092 subdivisions (1), (2), (3), (4), (6), (9), (10), (11) and (12) of section 38a-469,
1093 refusing to insure, refusing to continue to insure or limiting the amount,
1094 extent or kind of coverage available to an individual or charging an
1095 individual a different rate for the same coverage because of genetic
1096 information. Genetic information indicating a predisposition to a
1097 disease or condition shall not be deemed a preexisting condition in the
1098 absence of a diagnosis of such disease or condition that is based on other
1099 medical information. An insurance company, hospital service
1100 corporation, health care center or fraternal benefit society providing
1101 individual health coverage of the types specified in subdivisions (1), (2),
1102 (3), (4), (6), (9), (10), (11) and (12) of section 38a-469, shall not be
1103 prohibited from refusing to insure or applying a preexisting condition
1104 limitation, to the extent permitted by law, to an individual who has been
1105 diagnosed with a disease or condition based on medical information
1106 other than genetic information and has exhibited symptoms of such
1107 disease or condition. For the purposes of this [subsection] subdivision,
1108 "genetic information" means the information about genes, gene
1109 products or inherited characteristics that may derive from an individual
1110 or family member.

1111 [(20)] (21) Any violation of sections 38a-465 to 38a-465q, inclusive, as
1112 amended by this act.

1113 [(21)] (22) With respect to a managed care organization, as defined in
1114 section 38a-478, failing to establish a confidentiality procedure for
1115 medical record information, as required by section 38a-999.

1116 [(22)] (23) Any violation of sections 38a-591d to 38a-591f, inclusive.

1117 [(23)] (24) Any violation of section 38a-472j.

1118 Sec. 16. Section 38a-447 of the general statutes is repealed and the
1119 following is substituted in lieu thereof (*Effective October 1, 2021*):

1120 No life insurance company doing business in this state may: (1) Make
1121 any distinction or discrimination between persons on the basis of race
1122 or status as a victim of domestic violence, as to the premiums or rates
1123 charged for policies upon the lives of such persons; (2) demand or
1124 require greater premiums from persons of one race than such as are at
1125 that time required by that company from persons of another race, or
1126 from persons who have been victims of domestic violence than such as
1127 are at that time required by that company from persons who have not
1128 been victims of domestic violence, of the same age, sex, general
1129 condition of health and hope of longevity; or (3) make or require any
1130 rebate, diminution or discount on the basis of race, or status as a victim
1131 of domestic violence, upon the sum to be paid on any policy in case of
1132 the death of any person insured, nor insert in the policy any condition,
1133 nor make any stipulation whereby such person insured shall bind
1134 [himself, his] such person, such person's heirs, executors, administrators
1135 or assigns to accept any sum less than the full value or amount of such
1136 policy, in case of a claim accruing thereon by reason of the death of such
1137 person insured, other than such as are imposed upon all persons in
1138 similar cases; and each such stipulation or condition so made or inserted
1139 shall be void. For the purposes of this section, "victim of domestic
1140 violence" has the same meaning as provided in section 17b-112a.

1141 Sec. 17. Section 38a-465 of the general statutes is repealed and the
1142 following is substituted in lieu thereof (*Effective October 1, 2021*):

1143 As used in sections 38a-465 to 38a-465q, inclusive, and subdivision
1144 [(20)] (21) of section 38a-816, as amended by this act:

1145 (1) "Advertisement" means any written, electronic or printed
1146 communication or any communication by means of recorded telephone
1147 messages or transmitted on radio, television, the Internet or similar
1148 communications media, including, but not limited to, film strips, motion
1149 pictures and videos, published, disseminated, circulated or placed

1150 before the public, directly or indirectly, for the purpose of creating an
1151 interest in or inducing a person to purchase or sell, assign, devise,
1152 bequest or transfer the death benefit or ownership of a life insurance
1153 policy or an interest in a life insurance policy pursuant to a life
1154 settlement contract.

1155 (2) "Broker" means a person who, on behalf of an owner and for a fee,
1156 commission or other valuable consideration, offers or attempts to
1157 negotiate life settlement contracts between an owner and one or more
1158 providers. "Broker" does not include an attorney, certified public
1159 accountant or financial planner accredited by a nationally recognized
1160 accreditation agency retained to represent the owner, whose
1161 compensation is not paid directly or indirectly by a provider or any
1162 other person except the owner.

1163 (3) "Business of life settlements" means an activity involved in, but
1164 not limited to, offering to enter into, soliciting, negotiating, procuring,
1165 effectuating, monitoring or tracking of life settlement contracts.

1166 (4) "Chronically ill" means: (A) Being unable to perform at least two
1167 activities of daily living, including, but not limited to, eating, toileting,
1168 transferring, bathing, dressing or continence; (B) requiring substantial
1169 supervision to protect from threats to health and safety due to severe
1170 cognitive impairment; or (C) having a level of disability similar to that
1171 described in subparagraph (A) of this subdivision as determined by the
1172 federal Secretary of Health and Human Services.

1173 (5) "Commissioner" means the Insurance Commissioner.

1174 (6) (A) "Financing entity" means an underwriter, placement agent,
1175 lender, purchaser of securities, purchaser of a policy or certificate from
1176 a provider, credit enhancer, or any entity that has a direct ownership in
1177 a policy or certificate that is the subject of a life settlement contract:

1178 (i) Whose principal activity related to the transaction is providing
1179 funds to effect the life settlement contract or purchase of one or more

1180 policies; and

1181 (ii) Who has an agreement in writing with one or more providers to
1182 finance the acquisition of life settlement contracts.

1183 (B) "Financing entity" does not include a nonaccredited investor or a
1184 purchaser.

1185 (7) "Financing transaction" means any transaction in which a
1186 provider obtains financing from a financing entity, including, but not
1187 limited to, any secured or unsecured financing, any securitization
1188 transaction or any securities offering which is registered or exempt from
1189 registration under federal or state securities law.

1190 (8) "Insured" means the person covered under the policy being
1191 considered for sale in a life settlement contract.

1192 (9) "Life expectancy" means the arithmetic mean of the number of
1193 months the insured under the life insurance policy to be settled can be
1194 expected to live as determined by a life expectancy company, life
1195 settlement company or investor considering medical records and
1196 experiential data.

1197 (10) "Life insurance producer" means any person licensed in this state
1198 as a resident or nonresident insurance producer who has received
1199 qualification or authority for life insurance coverage or a life line
1200 coverage pursuant to chapter 702.

1201 (11) (A) "Life settlement contract" means:

1202 (i) A written agreement entered into between a provider and an
1203 owner, establishing the terms under which compensation or anything
1204 of value will be paid, which compensation or thing of value is less than
1205 the expected death benefit of the insurance policy or certificate, in return
1206 for the owner's assignment, transfer, sale, devise or bequest of the death
1207 benefit or any portion of an insurance policy or certificate of insurance
1208 for compensation, provided the minimum value for a life settlement

1209 contract shall be greater than a cash surrender value or accelerated
1210 death benefit available at the time of an application for a life settlement
1211 contract;

1212 (ii) The transfer for compensation or value of ownership or beneficial
1213 interest in a trust, or other entity that owns such policy, if the trust or
1214 other entity was formed or availed of for the principal purpose of
1215 acquiring one or more life insurance contracts, which life insurance
1216 contract insures the life of a person residing in this state;

1217 (iii) A written agreement for a loan or other lending transaction,
1218 secured primarily by an individual or group life insurance policy; or

1219 (iv) A premium finance loan made for a policy on or before the date
1220 of issuance of the policy where (I) the loan proceeds are not used solely
1221 to pay premiums for the policy and any costs or expenses incurred by
1222 the lender or the borrower in connection with the financing, (II) the
1223 owner receives, on the date of the premium finance loan, a guarantee of
1224 the future life settlement value of the policy, or (III) the owner agrees on
1225 the date of the premium finance loan to sell the policy, or any portion of
1226 its death benefit, on any date following the issuance of the policy.

1227 (B) "Life settlement contract" does not include:

1228 (i) A policy loan by a life insurance company pursuant to the terms
1229 of the life insurance policy or accelerated death provisions contained in
1230 the life insurance policy, whether issued with the original policy or as a
1231 rider;

1232 (ii) A premium finance loan, as defined in subparagraph (A)(iv) of
1233 this subdivision, or any loan made by a bank or other licensed financial
1234 institution, provided neither default on such loan or the transfer of the
1235 policy, in connection with such default, is pursuant to an agreement or
1236 understanding with any other person for the purpose of evading
1237 regulation under this part;

1238 (iii) A collateral assignment of a life insurance policy by an owner;

1239 (iv) A loan made by a lender that does not violate sections 38a-162 to
1240 38a-170, inclusive, provided such loan is not described in subparagraph
1241 (A) of this subdivision and is not otherwise within the definition of life
1242 settlement contract;

1243 (v) An agreement where all the parties are closely related to the
1244 insured by blood or law or have a lawful substantial economic interest
1245 in the continued life, health and bodily safety of the person insured, or
1246 are trusts established primarily for the benefit of such parties;

1247 (vi) Any designation, consent or agreement by an insured who is an
1248 employee of an employer in connection with the purchase by the
1249 employer, or trust established by the employer, of life insurance on the
1250 life of the employee;

1251 (vii) A bona fide business succession planning arrangement: (I)
1252 Between one or more shareholders in a corporation or between a
1253 corporation and one or more of its shareholders or one or more trusts
1254 established by its shareholders; (II) between one or more partners in a
1255 partnership or between a partnership and one or more of its partners or
1256 one or more trusts established by its partners; or (III) between one or
1257 more members in a limited liability company or between a limited
1258 liability company and one or more of its members or one or more trusts
1259 established by its members;

1260 (viii) An agreement entered into by a service recipient or a trust
1261 established by the service recipient, and a service provider or a trust
1262 established by the service provider, that performs significant services
1263 for the service recipient's trade or business; or

1264 (ix) Any other contract, transaction or arrangement from the
1265 definition of life settlement contract that the commissioner determines
1266 is not of the type intended to be regulated by this part.

1267 (12) "Net death benefit" means the amount of the life insurance policy
1268 or certificate to be settled less any outstanding debts or liens.

1269 (13) "Owner" means the owner of a life insurance policy or a
1270 certificate holder under a group policy, with or without a terminal
1271 illness, who enters or seeks to enter into a life settlement contract. For
1272 the purposes of this part, an owner shall not be limited to an owner of a
1273 life insurance policy or a certificate holder under a group policy that
1274 insures the life of an individual with a terminal or chronic illness or
1275 condition, except where specifically addressed. "Owner" does not
1276 include: (A) Any provider or other licensee under this part; (B) a
1277 qualified institutional buyer, as defined in Rule 144A of the federal
1278 Securities Act of 1933, as amended from time to time; (C) a financing
1279 entity; (D) a special purpose entity; or (E) a related provider trust.

1280 (14) "Patient identifying information" means an insured's address,
1281 telephone number, facsimile number, electronic mail address,
1282 photograph or likeness, employer, employment status, Social Security
1283 number or any other information that is likely to lead to the
1284 identification of the insured.

1285 (15) "Person" means a natural person or a legal entity, including, but
1286 not limited to, an individual, partnership, limited liability company,
1287 association, trust or corporation.

1288 (16) "Policy" means an individual or group policy, group certificate,
1289 contract or arrangement of life insurance owned by a resident of this
1290 state, regardless of whether delivered or issued for delivery in this state.

1291 (17) "Premium finance loan" means a loan made primarily for the
1292 purposes of making premium payments on a life insurance policy,
1293 which loan is secured by an interest in such life insurance policy.

1294 (18) "Provider" means a person, other than an owner, who enters into
1295 or effectuates a life settlement contract with an owner. "Provider" does
1296 not include:

1297 (A) Any bank, savings bank, savings and loan association or credit
1298 union;

1299 (B) A licensed lending institution, creditor or secured party pursuant
1300 to a premium finance loan agreement that takes an assignment of a life
1301 insurance policy or certificate issued pursuant to a group life insurance
1302 policy as collateral for a loan;

1303 (C) The insurer of a life insurance policy or rider providing
1304 accelerated death benefits or riders pursuant to section 38a-457 or cash
1305 surrender value;

1306 (D) A natural person who enters into or effectuates no more than one
1307 agreement in a calendar year for the transfer of a life insurance policy or
1308 certificate issued pursuant to a group life insurance policy, for
1309 compensation or any value less than the expected death benefit payable
1310 under the policy;

1311 (E) A purchaser;

1312 (F) An authorized or eligible insurer that provides stop loss coverage
1313 to a provider, purchaser, financing entity, special purpose entity or
1314 related provider trust;

1315 (G) A financing entity;

1316 (H) A special purpose entity;

1317 (I) A related provider trust;

1318 (J) A broker; or

1319 (K) An accredited investor or a qualified institutional buyer, as
1320 defined in Rule 501 of Regulation D or Rule 144A, respectively, of the
1321 federal Securities Act of 1933, as amended from time to time, who
1322 purchases a life settlement policy from a provider.

1323 (19) "Purchased policy" means a policy or group certificate that has
1324 been acquired by a provider pursuant to a life settlement contract.

1325 (20) "Purchaser" means a person who pays compensation or anything

1326 of value as consideration for a beneficial interest in a trust that is vested
1327 with, or for the assignment, transfer or sale of, an ownership or other
1328 interest in a life insurance policy or a certificate issued pursuant to a
1329 group life insurance policy that is the subject of a life settlement contract.

1330 (21) "Related provider trust" means a titling trust or other trust
1331 established by a licensed provider or a financing entity for the sole
1332 purpose of holding the ownership or beneficial interest in purchased
1333 policies in connection with a financing transaction.

1334 (22) "Settled policy" means a life insurance policy or certificate that
1335 has been acquired by a provider pursuant to a life settlement contract.

1336 (23) "Special purpose entity" means a corporation, partnership, trust,
1337 limited liability company or other similar entity formed solely to
1338 provide, either directly or indirectly, access to institutional capital
1339 markets (A) for a financing entity or provider, (B) in connection with a
1340 transaction in which the securities in the special purpose entity are
1341 acquired by the owner or by a qualified institutional buyer, as defined
1342 in Rule 144A of the federal Securities Act of 1933, as amended from time
1343 to time, or (C) the securities pay a fixed rate of return commensurate
1344 with established asset-backed institutional capital markets.

1345 (24) "Stranger-originated life insurance" means an act, practice or
1346 arrangement to initiate a life insurance policy for the benefit of a third-
1347 party investor who, at the time of policy origination, has no insurable
1348 interest in the insured. Such practices include, but are not limited to,
1349 cases in which life insurance is purchased with resources or guarantees
1350 from or through a person or entity, who, at the time of policy inception,
1351 could not lawfully initiate the policy himself or itself, and where, at the
1352 time of inception, there is an arrangement or agreement, whether verbal
1353 or written, to directly or indirectly transfer the ownership of the policy
1354 or the policy benefits to a third-party. Trusts created to give the
1355 appearance of insurable interest and used to initiate policies for
1356 investors violate insurable interest laws and the prohibition against
1357 wagering on life. Stranger-originated life insurance arrangements do

1358 not include those practices set forth in subparagraph (B) of subdivision
1359 (11) of this section.

1360 (25) "Terminally ill" means having an illness or sickness that can
1361 reasonably be expected to result in death in twenty-four months or less.

1362 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a grant
1363 program to provide individuals who are indigent with access to legal
1364 assistance when making an application for a restraining order under
1365 section 46b-15 of the general statutes, as amended by this act. The
1366 program shall be administered by the organization that administers the
1367 program for the use of interest earned on lawyers' clients' funds
1368 accounts pursuant to section 51-81c of the general statutes.

1369 (b) Not later than three months after receiving funding in any year
1370 pursuant to section 19 of this act, the organization administering the
1371 program shall issue a request for proposals from nonprofit entities
1372 whose principal purpose is providing legal services to individuals who
1373 are indigent, for the purpose of awarding grants to provide counsel to
1374 indigent individuals who express an interest in applying for a
1375 restraining order pursuant to section 46b-15 of the general statutes, as
1376 amended by this act, and, to the extent practicable within the funding
1377 awarded, representing such individuals throughout the process of
1378 applying for such restraining order, including at prehearing conferences
1379 and at the hearing on an application. A nonprofit entity responding to
1380 the request for proposals may partner with law schools or other non-
1381 profit entities or publicly funded organizations that are not
1382 governmental entities, for the provision of services pursuant to a grant.
1383 Each response to the request for proposals shall specify the judicial
1384 district courthouse, or courthouses, for which services will be provided.

1385 (c) The organization administering the program may only award a
1386 grant (1) to provide services in the judicial districts of Bridgeport,
1387 Hartford, New Haven, Stamford or Waterbury, and (2) in an amount
1388 not to exceed two hundred thousand dollars, except that a grant to
1389 provide services in the judicial district with the highest average number

1390 of applications for restraining orders under section 46b-15 of the general
1391 statutes, as amended by this act, over the previous three fiscal years may
1392 receive a grant of not more than four hundred thousand dollars. Grants
1393 may not be used to provide services to individuals who are not indigent.

1394 (d) The organization administering the program may only award a
1395 grant to a nonprofit entity whose principal purpose is providing legal
1396 services to individuals who are indigent, if such nonprofit entity
1397 demonstrates the ability to:

1398 (1) Verify at the time of meeting with an individual that such
1399 potential client is indigent and meets applicable household income
1400 eligibility requirements set by the entity;

1401 (2) Arrange for at least one individual who has the relevant training
1402 or experience and is authorized to provide legal counsel to individuals
1403 who express an interest in applying for a restraining order, to be present
1404 in the courthouse or courthouses identified in response to the request
1405 for proposals during all business hours;

1406 (3) Provide continued representation to individuals throughout the
1407 restraining order process, including in court for the hearing on the
1408 restraining order, to the greatest extent practicable within the funding
1409 awarded and if requested to do so by an individual after providing
1410 assistance with a restraining order application;

1411 (4) Provide any individual in the courthouse who expresses an
1412 interest in applying for a restraining order with all applicable forms that
1413 may be necessary to apply for a restraining order; and

1414 (5) Track and report to the organization administering the program
1415 on the services provided pursuant to the program, including (A) the
1416 procedural outcomes of restraining order applications filed, (B) the
1417 number of instances where legal counsel was provided prior to the filing
1418 of an application but not during the remainder of the restraining order
1419 process, and the reasons causing the duration of such representation,

1420 and (C) information on any other legal representation provided to
1421 individuals pursuant to the program on matters that were ancillary to
1422 the circumstances that supported the application for a restraining order.

1423 (e) In awarding grants, the organization administering the program
1424 shall give preference to nonprofit entities (1) that demonstrate the ability
1425 to provide legal representation to clients regarding matters ancillary to
1426 the circumstances that supported the application for a restraining order;
1427 (2) with experience offering legal representation to individuals during
1428 the restraining order process; or (3) that can provide quality remote
1429 services should courthouses be closed to the public.

1430 (f) The Chief Court Administrator shall (1) provide each grant
1431 recipient with office space in the judicial district courthouse or
1432 courthouses served by such recipient under the grant program to
1433 conduct intake interviews and assist clients with applications for
1434 restraining orders, and (2) require court clerks at such courthouses, prior
1435 to accepting an application for a restraining order pursuant to section
1436 46b-15 of the general statutes, as amended by this act, to inform each
1437 individual filing such application, or inquiring about filing such an
1438 application, that pro bono legal services are available from the grant
1439 recipient for income-eligible individuals and where the grant recipient
1440 is located in the courthouse.

1441 (g) The Chief Court Administrator shall post on the Internet web site
1442 of the Judicial Branch where instructions for filing a restraining order
1443 pursuant to section 46b-15 of the general statutes, as amended by this
1444 act, are provided, information on the pro bono legal services available
1445 from grant recipients for income-eligible individuals at the applicable
1446 courthouses.

1447 (h) For each year that funding is provided for the program under this
1448 section, the organization administering the program shall either
1449 conduct, or partner with an academic institution or other qualified
1450 entity for the purpose of conducting, an analysis of the impact of the
1451 program, including, but not limited to, (1) the procedural outcomes for

1452 applications filed in association with services provided by grant
1453 recipients under the program, (2) the types and extent of legal services
1454 provided to individuals served pursuant to the program, including on
1455 matters ancillary to the restraining order application, and (3) the
1456 number of cases where legal services were provided before an
1457 application was filed but legal representation did not continue during
1458 the restraining order process and the reasons for such limited
1459 representations. Not later than July first of the year following any year
1460 in which the program received funding, the organization administering
1461 the program shall submit a report on the results of such analysis in
1462 accordance with the provisions of section 11-4a of the general statutes,
1463 to the joint standing committee of the General Assembly having
1464 cognizance of matters relating to the judiciary.

1465 Sec. 19. (NEW) (*Effective from passage*) During each of the fiscal years
1466 ending June 30, 2022, and June 30, 2023, the Attorney General, utilizing
1467 transfer invoices, shall remit one million two hundred fifty thousand
1468 dollars to the organization administering the program established
1469 pursuant to section 18 of this act, from moneys received by the Office of
1470 the Attorney General in connection with the settlement of any lawsuit
1471 to which the state is a party. Such remittal in the fiscal year ending June
1472 30, 2023, shall occur no later than one year following the date of the
1473 remittal in the previous fiscal year. Moneys remitted to the organization
1474 pursuant to this section shall be used for purposes of the program
1475 established in section 18 of this act. Up to five per cent of the total
1476 amount received by such organization may be used for the reasonable
1477 costs of administering the program, including the completion of the
1478 analysis and report required by subsection (h) of section 18 of this act.

1479 Sec. 20. Subsections (a) and (b) of section 54-64a of the general statutes
1480 are repealed and the following is substituted in lieu thereof (*Effective*
1481 *October 1, 2021*):

1482 (a) (1) Except as provided in subdivision (2) of this subsection and
1483 subsection (b) of this section, when any arrested person is presented

1484 before the Superior Court, said court shall, in bailable offenses,
1485 promptly order the release of such person upon the first of the following
1486 conditions of release found sufficient to reasonably ensure the
1487 appearance of the arrested person in court: (A) Upon execution of a
1488 written promise to appear without special conditions, (B) upon
1489 execution of a written promise to appear with nonfinancial conditions,
1490 (C) upon execution of a bond without surety in no greater amount than
1491 necessary, (D) upon execution of a bond with surety in no greater
1492 amount than necessary, but in no event shall a judge prohibit a bond
1493 from being posted by surety. In addition to or in conjunction with any
1494 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
1495 this subdivision the court may, when it has reason to believe that the
1496 person is drug-dependent and where necessary, reasonable and
1497 appropriate, order the person to submit to a urinalysis drug test and to
1498 participate in a program of periodic drug testing and treatment. The
1499 results of any such drug test shall not be admissible in any criminal
1500 proceeding concerning such person.

1501 (2) If the arrested person is charged with no offense other than a
1502 misdemeanor, the court shall not impose financial conditions of release
1503 on the person unless (A) the person is charged with a family violence
1504 crime, as defined in section 46b-38a, as amended by this act, or (B) the
1505 person requests such financial conditions, or (C) the court makes a
1506 finding on the record that there is a likely risk that (i) the arrested person
1507 will fail to appear in court, as required, or (ii) the arrested person will
1508 obstruct or attempt to obstruct justice, or threaten, injure or intimidate
1509 or attempt to threaten, injure or intimidate a prospective witness or
1510 juror, or (iii) the arrested person will engage in conduct that threatens
1511 the safety of himself or herself or another person. In making a finding
1512 described in this subsection, the court may consider past criminal
1513 history, including any prior record of failing to appear as required in
1514 court that resulted in any conviction for a violation of section 53a-172 or
1515 any conviction during the previous ten years for a violation of section
1516 53a-173 and any other pending criminal cases of the person charged
1517 with a misdemeanor.

1518 (3) The court may, in determining what conditions of release will
1519 reasonably ensure the appearance of the arrested person in court,
1520 consider the following factors: (A) The nature and circumstances of the
1521 offense, (B) such person's record of previous convictions, (C) such
1522 person's past record of appearance in court, (D) such person's family
1523 ties, (E) such person's employment record, (F) such person's financial
1524 resources, character and mental condition, [and] (G) such person's
1525 community ties, and (H) in the case of a violation of 53a-222a when the
1526 condition of release was issued for a family violence crime, as defined
1527 in section 46b-38a, as amended by this act, the heightened risk posed to
1528 victims of family violence by violations of conditions of release.

1529 (b) (1) When any arrested person charged with the commission of a
1530 class A felony, a class B felony, except a violation of section 53a-86 or
1531 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or
1532 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,
1533 section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,
1534 or a family violence crime, as defined in section 46b-38a, as amended by
1535 this act, is presented before the Superior Court, said court shall, in
1536 bailable offenses, promptly order the release of such person upon the
1537 first of the following conditions of release found sufficient to reasonably
1538 ensure the appearance of the arrested person in court and that the safety
1539 of any other person will not be endangered: (A) Upon such person's
1540 execution of a written promise to appear without special conditions, (B)
1541 upon such person's execution of a written promise to appear with
1542 nonfinancial conditions, (C) upon such person's execution of a bond
1543 without surety in no greater amount than necessary, (D) upon such
1544 person's execution of a bond with surety in no greater amount than
1545 necessary, but in no event shall a judge prohibit a bond from being
1546 posted by surety. In addition to or in conjunction with any of the
1547 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
1548 subdivision, the court may, when it has reason to believe that the person
1549 is drug-dependent and where necessary, reasonable and appropriate,
1550 order the person to submit to a urinalysis drug test and to participate in
1551 a program of periodic drug testing and treatment. The results of any

1552 such drug test shall not be admissible in any criminal proceeding
1553 concerning such person.

1554 (2) The court may, in determining what conditions of release will
1555 reasonably ensure the appearance of the arrested person in court and
1556 that the safety of any other person will not be endangered, consider the
1557 following factors: (A) The nature and circumstances of the offense, (B)
1558 such person's record of previous convictions, (C) such person's past
1559 record of appearance in court after being admitted to bail, (D) such
1560 person's family ties, (E) such person's employment record, (F) such
1561 person's financial resources, character and mental condition, (G) such
1562 person's community ties, (H) the number and seriousness of charges
1563 pending against the arrested person, (I) the weight of the evidence
1564 against the arrested person, (J) the arrested person's history of violence,
1565 (K) whether the arrested person has previously been convicted of
1566 similar offenses while released on bond, [and] (L) the likelihood based
1567 upon the expressed intention of the arrested person that such person
1568 will commit another crime while released, and (M) the heightened risk
1569 posed to victims of family violence by violations of conditions of release
1570 and court orders of protection.

1571 (3) When imposing conditions of release under this subsection, the
1572 court shall state for the record any factors under subdivision (2) of this
1573 subsection that it considered and the findings that it made as to the
1574 danger, if any, that the arrested person might pose to the safety of any
1575 other person upon the arrested person's release that caused the court to
1576 impose the specific conditions of release that it imposed.

1577 Sec. 21. Subsection (a) of section 53a-181j of the general statutes is
1578 repealed and the following is substituted in lieu thereof (*Effective*
1579 *October 1, 2021*):

1580 (a) A person is guilty of intimidation based on bigotry or bias in the
1581 first degree when such person maliciously, and with specific intent to
1582 intimidate or harass another person [because of] motivated in whole or
1583 in substantial part by the actual or perceived race, religion, ethnicity,

1584 disability, sex, sexual orientation or gender identity or expression of
1585 such other person, causes physical injury to such other person or to a
1586 third person.

1587 Sec. 22. Subsection (a) of section 53a-181k of the general statutes is
1588 repealed and the following is substituted in lieu thereof (*Effective*
1589 *October 1, 2021*):

1590 (a) A person is guilty of intimidation based on bigotry or bias in the
1591 second degree when such person maliciously, and with specific intent
1592 to intimidate or harass another person or group of persons [because of]
1593 motivated in whole or in substantial part by the actual or perceived
1594 race, religion, ethnicity, disability, sex, sexual orientation or gender
1595 identity or expression of such other person or group of persons, does
1596 any of the following: (1) Causes physical contact with such other
1597 person or group of persons, (2) damages, destroys or defaces any real
1598 or personal property of such other person or group of persons, or (3)
1599 threatens, by word or act, to do an act described in subdivision (1) or
1600 (2) of this subsection, if there is reasonable cause to believe that an act
1601 described in subdivision (1) or (2) of this subsection will occur.

1602 Sec. 23. Subsection (a) of section 53a-181l of the general statutes is
1603 repealed and the following is substituted in lieu thereof (*Effective*
1604 *October 1, 2021*):

1605 (a) A person is guilty of intimidation based on bigotry or bias in the
1606 third degree when such person, with specific intent to intimidate or
1607 harass another person or group of persons [because of] motivated in
1608 whole or in substantial part by the actual or perceived race, religion,
1609 ethnicity, disability, sex, sexual orientation or gender identity or
1610 expression of such other person or persons: (1) Damages, destroys or
1611 defaces any real or personal property, or (2) threatens, by word or act,
1612 to do an act described in subdivision (1) of this subsection or advocates
1613 or urges another person to do an act described in subdivision (1) of this
1614 subsection, if there is reasonable cause to believe that an act described
1615 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>October 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)