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## **OLR Bill Analysis**

### **SB 5**

#### ***AN ACT STRENGTHENING THE PROTECTIONS AGAINST AND RESPONSE TO DOMESTIC VIOLENCE.***

#### **SUMMARY**

This bill makes changes to laws on protections for victims of family violence (see BACKGROUND) and related matters.

The bill expands the Judicial Department's electronic monitoring pilot program for family violence offenders by removing its pilot status and requiring the department to establish the program in each judicial district by October 1, 2025. Current law allows the department, within available appropriations, to establish the pilot program in three judicial districts. (The pilot program has operated in the Bridgeport, Danielson, and Hartford judicial districts since 2010.) The bill also makes related technical changes.

The bill appropriates specific funding for FYs 24 & 25 to the Judicial Department's Office of Victim Services (OVS) and the Department of Social Services (DSS) for victim service providers and domestic violence child and family advocates, respectively.

Regarding alimony awards, the bill prohibits courts from ordering an injured spouse to make temporary or permanent alimony payments to a spouse who is convicted of certain crimes after the marriage date.

Lastly, by December 1, 2023, the bill requires the organization administering the legal assistance program for indigent restraining order applicants to submit a report to the Judiciary Committee on the potential statewide expansion of the program. Under current law, the program must be limited to the Fairfield, Hartford, New Haven, Stamford-Norwalk, or Waterbury judicial districts.

EFFECTIVE DATE: July 1, 2023, except the provisions (1) related to

alimony orders are effective October 1, 2023, and (2) on FY 25 appropriations are effective July 1, 2024.

### **ELECTRONIC MONITORING PROGRAM**

Under the program, unchanged by the bill, the court can order electronic monitoring for anyone charged with violating a restraining or protective order and who has been determined to be a high-risk offender by the family violence intervention unit, if the court finds it necessary to protect the victim.

The monitoring is designed to warn law enforcement agencies, a statewide information collection center, and the victim when the person is within a specified distance of the victim.

The bill eliminates a current requirement that the person who is subject to the monitoring pay the cost for it, subject to the chief court administrator's guidelines.

### **FUNDING**

The bill appropriates the following amounts from the General Fund to OVS for victim service providers, up to the actual amount by which the Judicial Department's victim assistance grants under the federal Victims of Crime Act Assistance of 1984 are reduced for the fiscal year:

1. \$13,175,000 for FY 24 and
2. \$20 million for FY 25.

It also appropriates \$1,440,000 from the General Fund to DSS each year for FYs 24 & 25 for domestic violence child and family advocates at domestic violence agencies, whose purpose must be to provide trauma-informed services to children and families experiencing domestic violence.

Under the bill, a "domestic violence agency" is any office, shelter, host home, or agency offering assistance to domestic violence victims through crisis intervention, emergency shelter referral, and medical and legal advocacy, and which meets DSS's criteria of service provision. "Trauma-informed services" are services directed by a thorough

understanding of the neurological, biological, psychological, and social effects of trauma and violence on a person.

### **LEGAL ASSISTANCE GRANT PROGRAM**

A law in 2021 established a grant program to give free legal assistance to indigent people applying for temporary restraining orders. The program is administered by the organization that administers the interest on lawyers' trust accounts (IOLTA) program.

By December 1, 2023, the bill requires IOLTA to submit a report to the Judiciary Committee on the potential statewide expansion of the program. The report must include:

1. whether there are or could be enough grant recipients to administer the program in each applicable courthouse in the state;
2. which, if any, courthouse is not a feasible location for expansion of the program; and
3. the level of funding needed to fund this statewide expansion.

### **ALIMONY ORDERS**

The bill prohibits the court from ordering an injured spouse to make temporary or permanent alimony payments to a spouse who is convicted of any of the following crimes after the marriage date:

1. criminal attempt or conspiracy to commit murder, murder with special circumstances, felony murder, or arson murder of the other spouse;
2. criminal attempt or conspiracy to commit 1st or 2nd degree manslaughter, 1st or 2nd degree manslaughter with a firearm, or 2nd degree manslaughter with a motor vehicle of the other spouse;
3. 1st degree sexual assault and 1st degree aggravated sexual assault of the other spouse;
4. a class A or B felony offense of 2nd degree sexual assault or 3rd

degree sexual assault with a firearm of the other spouse;

5. a class A or B felony family violence crime; or
6. any crime in another state, with essential elements that are substantially the same as the crimes listed above.

The bill prohibits the court from ordering the injured spouse to pay the attorney's fees of the spouse convicted of any of the crimes listed above.

Under the bill, an "injured spouse" is the spouse who was the victim of one of the crimes listed above, regardless of whether physical injury occurred in the commission of the crime.

## **BACKGROUND**

### ***Family Violence***

By law, "family violence" is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. It excludes verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

### ***Related Bill***

sHB 6887, reported favorably by the Judiciary Committee, contains similar provisions expanding the electronic monitoring program.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 37    Nay 0    (03/27/2023)