
OLR Bill Analysis

sSB 5 (File 552, as amended by Senate "A")*

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.

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

*Senate Amendment "A" eliminates provisions in the underlying bill that would have (1) prohibited a court from ordering an injured spouse to make alimony payments to a spouse convicted of criminal attempt or conspiracy to commit manslaughter against the other spouse after the date of the marriage and (2) appropriated funds in FYs 24 & 25 to the

Judicial Department's Office of Victim Services and the Department of Social Services for victim service providers and domestic violence child and family advocates, respectively.

EFFECTIVE DATE: July 1, 2023, except the provisions related to alimony orders are effective October 1, 2023.

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.

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. 1st degree sexual assault and 1st degree aggravated sexual assault of the other spouse;
3. a class A or B felony offense of 2nd degree sexual assault or 3rd degree sexual assault with a firearm of the other spouse;
4. a class A or B felony family violence crime; or
5. 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 (File 593), reported favorably by the Judiciary and Appropriations committees, contains similar provisions expanding the electronic monitoring program.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (03/27/2023)

Appropriations Committee

Joint Favorable

Yea 53 Nay 0 (05/08/2023)