



# Senate

General Assembly

**File No. 552**

January Session, 2023

Substitute Senate Bill No. 5

*Senate, April 13, 2023*

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

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

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

1 Section 1. Subsection (f) of section 46b-38c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2023*):

4 (f) The Judicial Department [may] shall establish [, within available  
5 appropriations, a pilot program in three judicial districts] a program  
6 within each judicial district for the purpose of using electronic  
7 monitoring in accordance with this subsection. [Such pilot program  
8 shall be conducted in at least one judicial district that contains an urban  
9 area, as defined in section 4b-13, and at least one judicial district that  
10 does not contain such an urban area. Pursuant to such pilot] Under the  
11 program, the court may order that any person appearing in such judicial  
12 district who is charged with the violation of a restraining order or a  
13 protective order, and who has been determined to be a high-risk  
14 offender by the family violence intervention unit, be subject to electronic

15 monitoring designed to warn law enforcement agencies, a state-wide  
16 information collection center and the victim when the person is within  
17 a specified distance of the victim, if the court finds that such electronic  
18 monitoring is necessary to protect the victim. [, provided the cost of such  
19 electronic monitoring is paid by the person who is subject to such  
20 electronic monitoring, subject to guidelines established by the Chief  
21 Court Administrator.] If the court orders that such person be subject to  
22 electronic monitoring, the clerk of the court shall send, by facsimile or  
23 other means, a copy of the order, or the information contained in any  
24 such order, to the law enforcement agency or agencies for the town in  
25 which the person resides. [The Judicial Department shall cease  
26 operation of any pilot program established under this subsection not  
27 later than March 31, 2011, unless resources are available to continue  
28 operation of the pilot program. On and after July 1, 2012, the Judicial  
29 Department may resume operation of the pilot program, within  
30 available resources, and may operate such pilot program in one or more  
31 additional judicial districts, within such available resources] The  
32 Judicial Branch shall establish the program within each judicial district  
33 not later than October 1, 2025.

34 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) Notwithstanding the  
35 provisions of sections 46b-82, 46b-83 and 46b-86 of the general statutes,  
36 no court may enter an order of payment of temporary or permanent  
37 alimony from an injured spouse to a spouse who, at any time after the  
38 date of marriage, is convicted of: (1) Criminal attempt to commit murder  
39 of the other spouse, under section 53a-49 of the general statutes and  
40 sections 53a-54a to 53a-54d, inclusive, of the general statutes; (2)  
41 criminal attempt to commit manslaughter of the other spouse, under  
42 section 53a-49 of the general statutes and sections 53a-55 to 53a-56b,  
43 inclusive, of the general statutes; (3) conspiracy to commit murder of the  
44 other spouse, under section 53a-48 of the general statutes and sections  
45 53a-54a to 53a-54d, inclusive, of the general statutes; (4) conspiracy to  
46 commit manslaughter of the other spouse, under section 53a-48 and  
47 sections 53a-55 to 53a-56b, inclusive, of the general statutes; (5) a class A  
48 or B felony sexual assault of the other spouse, under section 53a-70, 53a-  
49 70a, 53a-71 or 53a-72b of the general statutes; (6) a class A or B felony

50 family violence crime as defined in section 46b-38a of the general  
51 statutes; or (7) any crime in another state, the essential elements of which  
52 are substantially the same as the crimes enumerated in subdivisions (1)  
53 to (6), inclusive, of this subsection.

54 (b) The existence of any conviction for a crime set forth in subsection  
55 (a) of this section shall preclude a court from ordering an award of  
56 attorney's fees from an injured spouse to a spouse convicted of such  
57 crime.

58 (c) As used in this section, "injured spouse" means the spouse who  
59 has been the victim of a crime set forth in subsection (a) of this section,  
60 irrespective of whether physical injury occurred in the commission of  
61 such crime.

62 Sec. 3. Subsection (h) of section 46b-15f of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
64 *2023*):

65 (h) For each year that funding is provided for the program under this  
66 section, the organization administering the program shall either  
67 conduct, or partner with an academic institution or other qualified  
68 entity for the purpose of conducting, an analysis of the impact of the  
69 program, including, but not limited to, (1) the procedural outcomes for  
70 applications filed in association with services provided by grant  
71 recipients under the program, (2) the types and extent of legal services  
72 provided to individuals served pursuant to the program, including on  
73 matters ancillary to the restraining order application, and (3) the  
74 number of cases where legal services were provided before an  
75 application was filed but legal representation did not continue during  
76 the restraining order process and the reasons for such limited  
77 representations. Not later than July first of the year following any year  
78 in which the program received funding, the organization administering  
79 the program shall submit a report on the results of such analysis in  
80 accordance with the provisions of section 11-4a, to the joint standing  
81 committee of the General Assembly having cognizance of matters  
82 relating to the judiciary. Not later than December 1, 2023, the

83 organization administering the program shall submit a report in  
84 accordance with the provisions of section 11-4a, to the joint standing  
85 committee of the General Assembly having cognizance of matters  
86 relating to the judiciary on the potential state-wide expansion of the  
87 program. Such report shall include, but not be limited to: (A) Whether  
88 there are or could be a sufficient number of grant recipients to  
89 administer the program in each applicable courthouse in the state; (B)  
90 which, if any, courthouse in the state is not a feasible location for  
91 expansion of the program; and (C) the level of funding needed to fund  
92 a state-wide expansion of the program.

93       Sec. 4. (*Effective July 1, 2023*) The sum of thirteen million one hundred  
94 seventy-five thousand dollars is appropriated to the Office of Victim  
95 Services within the Judicial Department from the General Fund, for the  
96 fiscal year ending June 30, 2024, for victim service providers up to the  
97 actual amount by which the Judicial Department's victim assistance  
98 grants provided under the Victims of Crime Act Assistance of 1984 are  
99 reduced for such fiscal year.

100       Sec. 5. (*Effective July 1, 2024*) The sum of twenty million dollars is  
101 appropriated to the Office of Victim Services within the Judicial  
102 Department from the General Fund, for the fiscal year ending June 30,  
103 2025, for victim service providers up to the actual amount by which the  
104 Judicial Department's victim assistance grants provided under the  
105 Victims of Crime Act Assistance of 1984 are reduced for such fiscal year.

106       Sec. 6. (*Effective July 1, 2023*) The sum of one million four hundred  
107 forty thousand dollars is appropriated to the Department of Social  
108 Services from the General Fund, for the fiscal year ending June 30, 2024,  
109 for domestic violence child and family advocates at domestic violence  
110 agencies, as defined in section 52-146k of the general statutes.

111       Sec. 7. (*Effective July 1, 2024*) The sum of one million four hundred  
112 forty thousand dollars is appropriated to the Department of Social  
113 Services from the General Fund, for the fiscal year ending June 30, 2025,  
114 for domestic violence child and family advocates at domestic violence  
115 agencies, as defined in section 52-146k of the general statutes.

116       Sec. 8. (*Effective July 1, 2023*) The sum of one million four hundred  
 117 forty thousand dollars appropriated to the Department of Social  
 118 Services, for the fiscal years ending June 30, 2024, and June 30, 2025, as  
 119 set forth in sections 6 and 7 of this act, shall be made available for  
 120 domestic violence child and family advocates at domestic violence  
 121 agencies, as defined in section 52-146k of the general statutes, whose  
 122 purpose shall be to provide trauma-informed services to children and  
 123 families experiencing domestic violence. For purposes of this section,  
 124 "trauma-informed services" means services directed by a thorough  
 125 understanding of the neurological, biological, psychological and social  
 126 effects of trauma and violence on a person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46b-38c(f)
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	46b-15f(h)
Sec. 4	<i>July 1, 2023</i>	New section
Sec. 5	<i>July 1, 2024</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section
Sec. 7	<i>July 1, 2024</i>	New section
Sec. 8	<i>July 1, 2023</i>	New section

**Statement of Legislative Commissioners:**

Sections 3 to 8, inclusive, were reordered for conformity with standard drafting conventions.

**JUD**       *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	442,000	524,000
Judicial Dept.	GF - Cost	13,175,000	20,000,000
Judicial Dept. (Probation)	GF - Cost	2,555,000	4,535,000
Social Services, Dept.	GF - Cost	1,440,000	1,440,000

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill makes various changes to victim services including expanding the electronic monitoring program and providing funding for providers which results in the impacts described below.

**Sections 1** expands the Judicial Department electronic monitoring program to each judicial district which results in an estimated cost of \$2.5 million in FY 24<sup>2</sup> and an estimated cost of \$4.5 million in FY 25<sup>3</sup>. The cost increases in FY 25 when the program is to be fully implemented. This program would need to be staffed by about 15 new positions and require equipment and operating expenses as well as contracted victim services costs. The cost to the State Comptroller for fringe benefits is

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

<sup>2</sup> Personal Services \$1,032,000, Other Expenses \$50,000, Equipment Cost \$23,000, Contracted Victim Services \$850,000, and \$600,000 GPS Monitoring

<sup>3</sup> Personal Services \$1,224,000, Other Expenses \$61,000 Contracted Victim Services \$850,000, and \$2,400,000 GPS Monitoring

estimated to be about \$442,000 in FY 24 and \$524,000 in FY 25.

**Sections 4-5** appropriate funding in the amounts of \$13.175 million in FY 24 and of \$20 million in FY 25 for victim service providers through the Office of Victim Services (OVS) to offset reductions in federal funding.

**Sections 6-8** appropriate funding in the amount of \$1,440,000 to the Department of Social Services in both FY 24 and FY 25 for domestic violence child and family advocates providing trauma informed care.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation, the actual number of GPS monitoring clients, and available federal VOCA funding.

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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)