

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 23-106—sSB 5
Judiciary Committee
Appropriations Committee

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

SUMMARY: This act makes changes in laws on family violence victim protection (see BACKGROUND) and related matters.

The act 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. Prior law allowed the department, within available appropriations, to establish the pilot program in three judicial districts. (The pilot program has operated since 2010 in the Bridgeport, Danielson, and Hartford judicial districts.) The act also makes related technical changes.

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

Lastly, the act 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. Existing law limits the program to the Fairfield, Hartford, New Haven, Stamford-Norwalk, and Waterbury judicial districts.

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 act, 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 act eliminates the requirement that the person who is subject to the monitoring pay the cost for it.

LEGAL ASSISTANCE GRANT PROGRAM

A law established a grant program in 2021 to give free legal assistance to indigent people applying for temporary restraining orders. The organization that

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administers the interest on lawyers' trust accounts (IOLTA) program also administers this program.

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

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 feasible for expansion of the program; and
3. the funding level needed for this expansion.

ALIMONY ORDERS

The act prohibits the court from ordering an injured spouse to make temporary or permanent alimony payments to a spouse 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 (see BACKGROUND); or
5. any crime in another state with essential elements that are substantially the same as the crimes listed above.

The act 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 act, 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)).

Family Violence Crime

By law, "family violence crime" means a crime other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member. "Family violence crime" does not

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include acts by parents or guardians disciplining minor children unless these acts constitute abuse (CGS § 46b-38a(3)).

Related Act

PA 23-136, § 4 (effective October 1, 2023), requires the court, upon the motion of an injured spouse, to terminate any orders it entered requiring the injured spouse to make alimony payments if the recipient-spouse is subsequently convicted of any of the crimes listed above against the injured spouse.