



General Assembly

January Session, 2023

Substitute Bill No. 5



**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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*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*