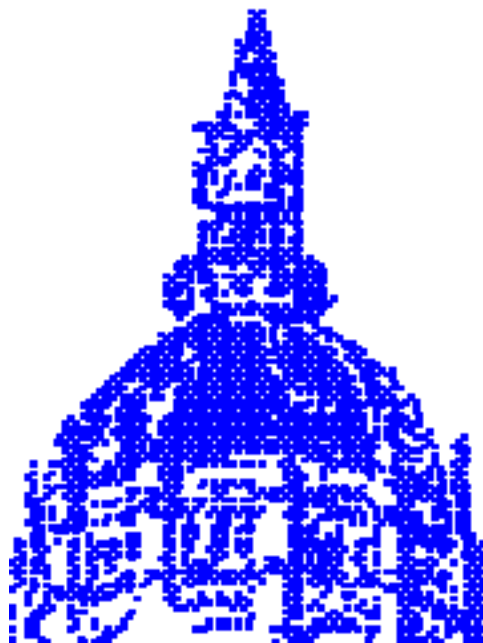


Office of Legislative Research  
Connecticut General Assembly



**VETERANS AND THE MILITARY**



2012-R-0188

Joseph Holstead, Principal Analyst

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## **NOTICE TO READERS**

This report summarizes new laws (public acts) affecting Veterans and the Military passed during the 2012 regular session.

We encourage readers to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: <http://www.cga.ct.gov/>

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## **ARMED FORCES MEMBERS WHO ARE VICTIM ADVOCATES OR SEXUAL ASSAULT PREVENTION COORDINATORS**

**PA 12-90** qualifies certain armed forces members as “sexual assault counselors,” thus:

1. allowing them to act as professional counselors without a license,
2. generally making their communications with victims confidential, and
3. making them mandated reporters of abuse or neglect of a child under age 18 or an intellectually disabled person.

The armed forces member must have training and certification as a victim advocate or sexual assault prevention coordinator under the military’s sexual assault prevention and response program.

EFFECTIVE DATE: Upon passage.

## **CUSTODY ORDERS FOR DEPLOYED MEMBERS OF THE ARMED FORCES**

**PA 12-90** prohibits a court from entering a final order modifying a final custody or visitation order until 90 days after a deploying parent’s deployment or mobilization ends, unless he or she agrees to a modification.

The act specifies that it does not stop the court from hearing a

motion at least 90 days after a deploying parent returns for permanent modification of final orders of custody and visitation. The nondeploying parent bears the burden of showing that re-entry of final order of custody or visitation that was in effect before the deployment is no longer in the child’s best interest.

It also sets the requirements for temporary modification of orders because of a deployment or mobilization.

EFFECTIVE DATE: July 1, 2012

## **DESECRATION OF WAR OR VETERANS' MEMORIALS**

**PA 12-38** establishes two crimes for desecrating memorials or monuments recognizing a war or honoring veterans and sets corresponding penalties for them.

Under the act, a person is guilty of interference with a war or veterans' memorial or monument if he or she, without authorization of the government body or veterans' organization responsible for the placement, control, or maintenance of the memorial or monument, (1) intentionally defaces, mutilates, or destroys it or (2) removes it, or any part of it, from its official location.

A person is guilty of unlawfully possessing, purchasing, or selling a war or veterans' memorial or monument if he or she, knowing that the

memorial or monument has been unlawfully removed from its official location, (1) possesses, purchases, or attempts to purchase it; (2) sells, offers for sale, or attempts to sell it; or (3) transfers or disposes of it, or any part of it.

The act makes both crimes a class D felony (punishable by up to five years in prison, a fine of up to \$5,000, or both) but requires anyone guilty of either crime to be fined \$5,000.

EFFECTIVE DATE: Upon passage

## **FUNDRAISING BY VETERANS' ORGANIZATIONS**

**sHB 5298** makes it a class C misdemeanor for a person, firm, or corporation that holds itself out as a representative of a veterans' charitable organization to, with intent to defraud:

1. solicit charitable contributions for the organization and
2. have those contributions benefit anyone other than the organization.

A class C misdemeanor is punishable by up to three months' imprisonment, up to a \$500 fine, or both.

The act defines "veterans' charitable organization" as any person, firm, or corporation that is or purports to be established for any benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare, or advocacy purpose relating to or on behalf of

veterans. By law and under the act, "veteran" means any person honorably discharged or released under honorable conditions from active service in the armed forces.

The act also requires the Department of Veterans' Affairs (DVA) commissioner to publish a list of qualified veterans' charitable organizations. She must do this within available funds by July 1, 2013, and on an ongoing basis thereafter. Inclusion on the list lasts for three years.

Under the act, a qualified veterans' charitable organization is one established for the purposes described above and has been a nonstock corporation or a nonprofit organization for three or more consecutive years.

EFFECTIVE DATE: October 1, 2012, except the provision on the DVA list is effective upon passage.

## **MORALE, WELFARE, AND RECREATION PROGRAMS ACCOUNT**

**sSB 116** establishes a separate, non-lapsing "Army National Guard state morale, welfare, and recreation account" in the General Fund to hold any money the law requires, including proceeds of state military morale, welfare, and recreation programs. The adjutant general must spend the funds to operate these programs.

EFFECTIVE DATE: July 1, 2012

## **PRETRIAL DIVERSIONARY PROGRAMS AND VETERANS**

**PA 12-42** allows veterans and certain of their relatives to use the accelerated rehabilitation (AR) program twice rather than just once. By law, AR allows people charged with certain non-serious crimes to have their charges dismissed upon completion of the program.

The act broadens eligibility for two other diversionary programs, the supervised diversionary program for people with psychiatric disabilities and the pretrial drug education program, by adding certain veterans and related people. It provides veterans and related people with access to state and federal departments of veterans' affairs services as an alternative to services from the Department of Mental Health and Addiction Services. (Generally, Connecticut's diversionary programs allow offenders to have a charged dismissed upon successful completion of a program that includes court imposed conditions.)

It also makes other modifications to criteria and requirements for the supervised diversionary program for people with psychiatric disabilities.

Under the act, "veteran" means:

1. an individual honorably discharged or released under honorable conditions from active

- service in the U.S. armed forces (CGS § 27-103) or
2. a person who is eligible to receive certain U.S. DVA services, under federal law (i.e. , a person who served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable, and his or her surviving spouse, child, or parents).

EFFECTIVE DATE: October 1, 2012

## **TRANSMITTAL OF INFORMATION TO THE SELECTIVE SERVICE SYSTEM**

**PA 12-81** deems that any person younger than 26 who is required to register with the Selective Service System (system) consents, when applying for or renewing a driver's license, commercial driver's license, instruction permit (currently a learner's permit), or ID card, to the Department of Motor Vehicles (DMV) transmitting information necessary for such registration to the system. It requires the (1) DMV license and renewal applications to state that they constitute such consent and (2) commissioner to electronically transmit the necessary information to the system on receipt of the application. It authorizes the commissioner to accept payment from the system for the costs of implementing this provision.

EFFECTIVE DATE: July 1, 2013

**VETERANS AND WORKFORCE DEVELOPMENT IMPROVEMENT PROJECTS AROUND CONNECTICUT'S PUBLIC AIRPORTS**

**SHB 5467** requires that noise mitigation programs be established in state neighborhoods where air traffic noise levels exceed applicable Federal Aviation Administration standards. It requires the Department of Transportation (DOT) to set aside at least 30% of the noise mitigation projects or contracts for veterans who served during wars. DOT must do this in consultation with the Labor and Veteran Affairs departments. It can award the contracts to veterans meeting the act's eligibility criteria or to businesses that employ them.

Veterans qualify for a set-aside contract based on the length of time spent in the service, minus the time spent training. A veteran qualifies if he or she (1) served in a time of war for at least 90 days or the entire war if it lasted less than 90 days; veterans who served for shorter time periods qualify only if they were separated from service due to a disability connected to their service and (2) has been certified in weatherization and insulation

techniques through a program funded under the federal American Recovery and Reinvestment Act.

EFFECTIVE DATE: July 1, 2012

**VOTING FOR MILITARY AND OTHERS OVERSEAS BY ABSENTEE BALLOT**

**HB 5556** allows active duty members of the armed forces, their spouses or dependent family members living where they are stationed, and other U.S. citizens living or traveling outside the country on election day to return their voted absentee ballots by email or fax. The law already allows these military and overseas voters to request and receive absentee ballots electronically.

When military and overseas voters return their completed ballots electronically, they must include (1) the cover sheet as required by the act and (2) if applicable, the secretary of the state-prescribed certification. (Under prior law, in order for the ballot to be counted, military and overseas voters who requested and received an absentee ballot electronically had to return them by mail along with a signed certification.)

EFFECTIVE DATE: Upon passage

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