

House of Representatives, March 5, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING STANDING CRIMINAL RESTRAINING ORDERS.

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

1 Section 53a-40e of the general statutes is
2 repealed and the following is substituted in lieu
3 thereof:

4 (a) If any person is convicted of a violation
5 of section 53a-59, 53a-59a, 53a-60, 53a-60a,
6 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70b,
7 53a-71, 53a-72a, [or] 53a-72b, 53a-181c, 53a-181d
8 OR 53a-181e against a family or household member
9 as defined in subdivision (2) of section 46b-38a,
10 the court may, in addition to imposing the
11 sentence authorized for the crime under section
12 53a-35a, if the court is of the opinion that the
13 history and character and the nature and
14 circumstances of the criminal conduct of such
15 offender indicate that a standing criminal
16 restraining order will best serve the interest of
17 the victim and the public, issue a standing
18 criminal restraining order which shall remain in
19 effect until modified or revoked by the court for
20 good cause shown.

21 (b) Such standing criminal restraining order
22 may include but is not limited to enjoining the

23 offender from (1) imposing any restraint upon the
24 person or liberty of the victim; (2) threatening,
25 harassing, assaulting, molesting, sexually
26 assaulting or attacking the victim or (3) entering
27 the family dwelling or the dwelling of the victim.
28 (c) Every standing criminal restraining order
29 of the court made in accordance with this section
30 shall contain the following language: "This order
31 shall remain in effect until modified or revoked
32 by the court for good cause shown. In accordance
33 with section 53a-110c, violation of a standing
34 criminal restraining order issued by the court
35 pursuant to subsection (a) of this section shall
36 be punishable by a term of imprisonment of not
37 less than one year nor more than five years, a
38 fine of not more than five thousand dollars or
39 both."

40 JUD COMMITTEE VOTE: YEA 32 NAY 1 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5314

STATE IMPACT	Minimal, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Various Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

STATE IMPACT: Since the number of cases are anticipated to be small in number, the impact on the criminal justice system is anticipated to be minimal and can be absorbed within existing budgetary and caseload structures.

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OLR BILL ANALYSIS

HB 5314

AN ACT CONCERNING STANDING CRIMINAL RESTRAINING ORDERS

SUMMARY: This bill adds stalking crimes committed against family or household members to the list of crimes for which a court may issue a standing criminal restraining order. As with the other crimes on the list, the court must consider the best interests of the victim and the public when exercising its discretion.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Standing Criminal Restraining Order

A standing criminal restraining order may enjoin the offender from (1) restraining the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting, or attacking the victim; or (3) entering the victim's home. It remains in effect until the court, for good cause, modifies or revokes it. The penalty for violating the order is one to five years imprisonment, a fine of up to \$5,000, or both.

A court may issue the order against anyone convicted of committing one of 12 specified crimes against a family or household member, including first and second degree assault; first, second, and third degree sexual assault; and sexual assault in a cohabitating relationship.

Family or Household Member

"Family or household member" means (1) spouse or former spouse, (2) parents and children, (3) people age 18 or older who are related by blood or marriage, (4) people who have a child together regardless of whether they have ever been married or lived together, and (5) other people age 16 or older who live or have lived together.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 32 Nay 1