

House of Representatives, April 3, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE OFFICE OF VICTIM SERVICES.

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

1 Section 1. Section 54-202 of the general  
2 statutes is repealed and the following is  
3 substituted in lieu thereof:

4 (a) On or before July 1, 1993, the Governor  
5 shall appoint five victim compensation  
6 commissioners for a term of four years to conduct  
7 hearings and make determinations as provided in  
8 this chapter. To be eligible for appointment, a  
9 victim compensation commissioner shall have been  
10 admitted to the practice of law in this state for  
11 at least five years prior to the appointment.

12 (b) NOTWITHSTANDING THE PROVISIONS OF  
13 SUBSECTION (a) OF THIS SECTION, THE TERMS OF ALL  
14 MEMBERS SHALL EXPIRE ON JULY 1, 1999, AND ON OR  
15 AFTER JULY 1, 1999, MEMBERS SHALL BE APPOINTED IN  
16 ACCORDANCE WITH SUBSECTION (a) OF THIS SECTION AS  
17 FOLLOWS: ONE ATTORNEY SHALL BE APPOINTED FOR A  
18 TERM OF ONE YEAR, ONE ATTORNEY SHALL BE APPOINTED  
19 FOR A TERM OF TWO YEARS, ONE ATTORNEY SHALL BE  
20 APPOINTED FOR A TERM OF THREE YEARS AND TWO  
21 ATTORNEYS SHALL BE APPOINTED FOR TERMS OF FOUR  
22 YEARS. THEREAFTER, ALL MEMBERS SHALL BE APPOINTED  
23 FOR TERMS OF FOUR YEARS.

24 [(b)] (c) Each victim compensation  
25 commissioner shall be eligible for reappointment  
26 and may be removed by the Governor for  
27 inefficiency, neglect of duty or malfeasance in  
28 office after due notice and hearing.

29 [(c)] (d) A Chief Victim Compensation  
30 Commissioner shall be designated by the Chief  
31 Court Administrator from among the five victim  
32 compensation commissioners appointed by the  
33 Governor. The Chief Court Administrator may  
34 appoint qualified attorneys to serve as temporary  
35 victim compensation commissioners when victim  
36 compensation commissioners are not available or  
37 when additional victim compensation commissioners  
38 are necessary for the expeditious processing of  
39 claims. Temporary victim compensation  
40 commissioners shall have the same qualifications  
41 for appointment and the same powers as victim  
42 compensation commissioners.

43 [(d)] (e) Each victim compensation  
44 commissioner and temporary victim compensation  
45 commissioner shall receive one hundred twenty-five  
46 dollars for each day of service.

47 Sec. 2. Section 54-203 of the general  
48 statutes, as amended by section 3 of public act  
49 97-257, is repealed and the following is  
50 substituted in lieu thereof:

51 (a) There is established an Office of Victim  
52 Services within the Judicial Department.

53 (b) The Office of Victim Services shall have  
54 the following powers and duties:

55 (1) To direct each hospital, whether public  
56 or private, to display prominently in its  
57 emergency room posters giving notice of the  
58 availability of compensation and assistance to  
59 victims of crime or their dependents pursuant to  
60 this chapter, and to direct every law enforcement  
61 agency of the state to inform victims of crime or  
62 their dependents of their rights pursuant to this  
63 chapter;

64 (2) To request from the office of the state's  
65 attorney, state police, local police departments  
66 or any law enforcement agency such investigation  
67 and data as will enable the Office of Victim  
68 Services to determine if in fact the applicant was  
69 a victim of a crime or attempted crime and the  
70 extent, if any, to which the victim or claimant  
71 was responsible for his own injury;

72 (3) To request from the Department of  
73 Correction, other units of the Judicial  
74 Department, the Board of Pardons and the Board of  
75 Parole such information as will enable the Office  
76 of Victim Services to determine if in fact a  
77 person who has requested notification pursuant to  
78 section 54-228 was a victim of a crime;

79 (4) To direct medical examination of victims  
80 as a requirement for payment under this chapter;

81 (5) To take or cause to be taken affidavits  
82 or depositions within or without the state;

83 (6) To apply for, receive, allocate, disburse  
84 and account for grants of funds made available by  
85 the United States, by the state, foundations,  
86 corporations and other businesses, agencies or  
87 individuals to implement a program for victim  
88 services which shall assist witnesses and victims  
89 of crimes as the Office of Victim Services deems  
90 appropriate within the resources available and to  
91 coordinate services to victims by state and  
92 community-based agencies, with priority given to  
93 victims of violent crimes, by (A) assigning, in  
94 consultation with the Division of Criminal  
95 Justice, such victim advocates as are necessary to  
96 provide assistance; (B) administering victim  
97 service programs; and (C) awarding grants or  
98 purchase of service contracts in accordance with  
99 the plan developed under subdivision (15) of this  
100 subsection [to private nonprofit organizations or  
101 local units of government] for the direct delivery  
102 of services, the provision of training and  
103 technical assistance of victim service providers  
104 and the development and implementation of public  
105 education campaigns. Such grants and contracts  
106 shall be the predominant method by which the  
107 Office of Victim Services shall develop, implement  
108 and operate direct service programs and provide  
109 training and technical assistance to victim  
110 service providers;

111 (7) To provide each person who applies for  
112 compensation pursuant to section 54-204, within  
113 ten days of the date of receipt of such  
114 application, with a written list of rights of  
115 victims of crime involving personal injury and the  
116 programs available in this state to assist such  
117 victims. The Office of Victim Services, the state  
118 or any agent, employee or officer thereof shall  
119 not be liable for the failure to supply such list

120 or any alleged inadequacies of such list. Such  
121 list shall include, but not be limited to:

122 (A) Subject to the provisions of sections  
123 18-81e and 51-286e, the victim shall have the  
124 right to be informed concerning the status of his  
125 or her case and to be informed of the release from  
126 custody of the defendant;

127 (B) Subject to the provisions of section  
128 54-91c, the victim shall have the right to present  
129 a statement of his or her losses, injuries and  
130 wishes to the prosecutor and the court prior to  
131 the acceptance by the court of a plea of guilty or  
132 nolo contendere made pursuant to a plea agreement  
133 with the state wherein the defendant pleads to a  
134 lesser offense than the offense with which the  
135 defendant was originally charged;

136 (C) Subject to the provisions of section  
137 54-91c, prior to the imposition of sentence upon  
138 the defendant, the victim shall have the right to  
139 submit a statement to the prosecutor as to the  
140 extent of any injuries, financial losses and loss  
141 of earnings directly resulting from the crime;

142 (D) Subject to the provisions of section  
143 54-126a, the victim shall have the right to appear  
144 before a panel of the Board of Parole and make a  
145 statement as to whether the defendant should be  
146 released on parole and any terms or conditions to  
147 be imposed upon any such release;

148 (E) Subject to the provisions of section  
149 54-36a, the victim shall have the right to have  
150 any property the victim owns which was seized by  
151 police in connection with an arrest to be  
152 returned;

153 (F) Subject to the provisions of sections  
154 54-56e and 54-142c, the victim shall have the  
155 right to be notified of the application by the  
156 defendant for the pretrial program for accelerated  
157 rehabilitation and to obtain from the court  
158 information as to whether the criminal prosecution  
159 in the case has been dismissed;

160 (G) Subject to the provisions of section  
161 54-85b, the victim cannot be fired, harassed or  
162 otherwise retaliated against by an employer for  
163 appearing under a subpoena as a witness in any  
164 criminal prosecution;

165 (H) Subject to the provisions of section  
166 54-86g, the parent or legal guardian of a child  
167 twelve years of age or younger who is a victim of

168 child abuse or sexual assault may request special  
169 procedural considerations to be taken during the  
170 testimony of the child;

171 (I) Subject to the provisions of section  
172 46b-15, the victim of assault by a spouse or  
173 former spouse, family or household member has the  
174 right to request the arrest of the offender,  
175 request a protective order and apply for a  
176 restraining order;

177 (J) Subject to the provisions of sections  
178 52-146k, 54-86e and 54-86f, the victim of sexual  
179 assault or domestic violence can expect certain  
180 records to remain confidential;

181 (8) Within available appropriations, to  
182 establish a victim's assistance center which shall  
183 provide a victims' rights information  
184 clearinghouse which shall be a central repository  
185 of information regarding rights of victims of  
186 crime and services available to such victims and  
187 shall collect and disseminate such information to  
188 assist victims;

189 (9) To provide, not later than January 1,  
190 1994, a victims' notification clearinghouse which  
191 shall be a central repository for requests for  
192 notification filed pursuant to sections 54-228 and  
193 54-229, and to notify, on and after January 1,  
194 1994, persons who have filed such a request  
195 whenever an inmate has applied for release from a  
196 correctional institution or reduction of sentence  
197 or review of sentence pursuant to section 54-227  
198 or whenever an inmate is scheduled to be released  
199 from a correctional institution and, on and after  
200 January 1, 1994, to provide victims of family  
201 violence crimes, upon request, information  
202 concerning any modification or termination of  
203 criminal orders of protection;

204 (10) To provide a telephone hotline that  
205 shall provide information on referrals for various  
206 services for victims of crime and their families;

207 (11) To provide staff services to a state  
208 advisory council.

209 (A) The council shall consist of not more  
210 than fifteen members to be appointed by the Chief  
211 Justice and shall include the Chief Victim  
212 Compensation Commissioner and members who  
213 represent victim populations, including but not  
214 limited to, homicide survivors, family violence  
215 victims, sexual assault victims, victims of drunk

216 drivers, and assault and robbery victims, and  
217 members who represent the judicial branch and  
218 executive branch agencies involved with victims of  
219 crime. The members shall serve for terms of four  
220 years;

221 (B) NOTWITHSTANDING THE PROVISIONS OF  
222 SUBPARAGRAPH (A) OF THIS SUBDIVISION, THE TERMS OF  
223 ALL MEMBERS SHALL EXPIRE ON APRIL 1, 1999, AND ON  
224 AND AFTER APRIL 1, 1999, MEMBERS SHALL BE  
225 APPOINTED IN ACCORDANCE WITH SUBPARAGRAPH (A) OF  
226 THIS SUBDIVISION AS FOLLOWS: MEMBERS REPRESENTING  
227 HOMICIDE SURVIVORS, SEXUAL ASSAULT VICTIMS,  
228 ASSAULT VICTIMS, ROBBERY VICTIMS AND EXECUTIVE  
229 BRANCH AGENCIES SHALL BE APPOINTED FOR TERMS OF  
230 TWO YEARS. MEMBERS REPRESENTING FAMILY VIOLENCE  
231 VICTIMS, VICTIMS OF DRUNK DRIVERS, THE JUDICIAL  
232 BRANCH AND MEMBERS WHO REPRESENT OTHER VICTIM  
233 POPULATIONS NOT SPECIFICALLY DELINEATED IN THIS  
234 SUBDIVISION, SHALL BE APPOINTED FOR TERMS OF FOUR  
235 YEARS. THEREAFTER, ALL MEMBERS SHALL BE APPOINTED  
236 FOR TERMS OF FOUR YEARS;

237 (C) Any vacancy in the membership shall be  
238 filled by the appointing authority for the balance  
239 of the unexpired term. The members shall receive  
240 no compensation for their services. The council  
241 shall meet at least six times a year. The council  
242 shall recommend to the Office of Victim Services  
243 program, legislative or other matters which would  
244 improve services to victims of crime and develop  
245 and coordinate needs assessments for both  
246 court-based and community-based victim services.  
247 The Chief Justice shall appoint two members to  
248 serve as cochairmen. Not later than December  
249 fifteenth of each year, the council shall report  
250 the results of its findings and activities to the  
251 Chief Court Administrator;

252 (12) To utilize such voluntary and  
253 uncompensated services of private individuals,  
254 agencies and organizations as may from time to  
255 time be offered and needed;

256 (13) To recommend policies and make  
257 recommendations to agencies and officers of the  
258 state and local subdivisions of government  
259 relative to victims of crime;

260 (14) To provide support and assistance to  
261 state-wide victim services coalitions and groups;

262 (15) To develop, in coordination with the  
263 Department of Social Services, the Department of

264 Public Health, the Office of Policy and  
265 Management, the Department of Children and  
266 Families and the Division of Criminal Justice, a  
267 comprehensive plan to more effectively administer  
268 crime victims' compensation and coordinate the  
269 delivery of services to crime victims, including  
270 the funding of such services. Such plan shall be  
271 submitted to the Governor and the General Assembly  
272 not later than January 1, 1994;

273 (16) Within available appropriations to  
274 establish a crime victims' information  
275 clearinghouse which shall be a central repository  
276 for information collected pursuant to subdivision  
277 (9) OF THIS SUBSECTION and information made  
278 available through the criminal justice information  
279 system, and to provide a toll-free telephone  
280 number for access to such information; and

281 (17) To provide a training program for  
282 judges, prosecutors, police, probation and parole  
283 personnel, bail commissioners, officers from the  
284 Department of Correction and special deputy  
285 sheriffs to inform them of victims' rights and  
286 available services.

287 Sec. 3. Section 54-205 of the general  
288 statutes is repealed and the following is  
289 substituted in lieu thereof:

290 (a) Upon application made under the  
291 provisions of this chapter, the Office of Victim  
292 Services shall [review] EVALUATE such application,  
293 make an appropriate determination in writing, and  
294 provide notice to the applicant of such  
295 determination. In order to make a determination on  
296 an application, the Office of Victim Services may  
297 administer oaths or affirmations, may subpoena any  
298 witness to appear or may issue a subpoena duces  
299 tecum, provided no subpoena shall be issued except  
300 under the signature of a victim compensation  
301 commissioner. Any application to any court for aid  
302 in enforcing such subpoena may be made in the name  
303 of the Office of Victim Services only by a victim  
304 compensation commissioner. Subpoenas shall be  
305 served by any person designated by a victim  
306 compensation commissioner.

307 (b) An applicant may request that a  
308 determination made pursuant to subsection (a) of  
309 this section be reviewed by a victim compensation  
310 commissioner by filing a request for review with  
311 the Office of Victim Services, on a form

312 prescribed by the Office of the Chief Court  
313 Administrator, within thirty days from mailing of  
314 the notice of such determination.

315 (c) For the purposes of carrying out the  
316 provisions of this chapter, a victim compensation  
317 commissioner shall hear any request for review  
318 filed by an applicant pursuant to this chapter to  
319 which such commissioner is assigned and shall make  
320 a written determination on such application for  
321 compensation. A victim compensation commissioner  
322 shall hold such hearings and take such testimony  
323 as such commissioner may deem advisable. A  
324 commissioner may administer oaths or affirmations  
325 to witnesses and shall have full power to subpoena  
326 any witness to appear and give testimony or to  
327 issue a subpoena duces tecum. Subpoenas shall be  
328 served by any person designated by a victim  
329 compensation commissioner.

330 (d) No witness under subpoena authorized to  
331 be issued by the provisions of this section shall  
332 be excused from testifying or from producing  
333 records, papers or documents. If any person  
334 disobeys such process or, having appeared in  
335 obedience thereto, refuses to answer any pertinent  
336 question put to him by the victim compensation  
337 commissioner or to produce any records, papers or  
338 documents and appears pursuant thereto, said  
339 commissioner may apply to the superior court for  
340 the judicial district of Hartford-New Britain\*,  
341 setting forth such disobedience to process or  
342 refusal to answer. The court shall cite such  
343 person to appear before said court to answer such  
344 question or to produce such records, papers or  
345 documents or to show cause why a question put to  
346 him should not be answered or why such records,  
347 papers or documents should not be produced. Upon  
348 such person's refusal to answer or produce  
349 records, papers or documents or to show cause, the  
350 court may commit such person to a community  
351 correctional center until such person complies,  
352 but not for a longer period than sixty days.  
353 Notwithstanding any such commitment of such  
354 person, the victim compensation commissioner may  
355 proceed with the hearing as if such witness had  
356 testified adversely regarding his interest in the  
357 proceeding.

358 (e) The applicant and any other person having  
359 a substantial interest in a proceeding may appear

360 before the victim compensation commissioner and be  
361 heard, produce evidence and cross-examine  
362 witnesses in person or by his attorney. The victim  
363 compensation commissioner also may hear such other  
364 persons as in the commissioner's judgment may have  
365 relevant evidence to submit.

366 (f) Any statement, document, information or  
367 matter may be considered by the Office of Victim  
368 Services or, on review, by a victim compensation  
369 commissioner, if in the opinion of said office or  
370 commissioner, it contributes to a determination of  
371 the claim, whether or not the same would be  
372 admissible in a court of law.

373 (g) If any person has been convicted of any  
374 offense with respect to an act on which a claim  
375 under this chapter is based, proof of that  
376 conviction shall be taken as conclusive evidence  
377 that the offense has been committed by such  
378 person, unless an appeal or any proceeding with  
379 regard thereto is pending.

380 Sec. 4. Section 54-206 of the general  
381 statutes is repealed and the following is  
382 substituted in lieu thereof:

383 [A] THE OFFICE OF VICTIM SERVICES OR, ON  
384 REVIEW, A victim compensation commissioner may, as  
385 part of any order entered under this chapter,  
386 determine and allow reasonable attorney's fees,  
387 which shall not exceed fifteen per cent of the  
388 amount awarded as compensation under section  
389 54-208, to be paid out of but not in addition to  
390 the amount of such compensation. No such attorney  
391 shall ask for, contract for or receive any larger  
392 sum than the amount so allowed.

393 Sec. 5. Section 54-209 of the general  
394 statutes, as amended by section 1 of public act  
395 97-59, is repealed and the following is  
396 substituted in lieu thereof:

397 (a) The Office of Victim Services or, on  
398 review, a victim compensation commissioner may  
399 order the payment of compensation in accordance  
400 with the provisions of this chapter for personal  
401 injury or death which resulted from: (1) An  
402 attempt to prevent the commission of crime or to  
403 apprehend a suspected criminal or in aiding or  
404 attempting to aid a police officer so to do, (2)  
405 the commission or attempt to commit by another of  
406 any crime as provided in section 53a-24, (3) the  
407 operation of a motor vehicle by another person who

408 was subsequently convicted with respect to such  
409 operation for a violation of subsection (a) OR (b)  
410 of section 14-224, AS AMENDED BY SECTION 3 OF  
411 PUBLIC ACT 97-291, [or of] section 14-222,  
412 14-222a, 14-227a, 53a-56b, 53a-57 or 53a-60d OR  
413 SUBSECTION (a) OF SECTION 53a-119b, or (4) any  
414 crime involving international terrorism as defined  
415 in Section 2331 of Title 18 of the United States  
416 Code.

417 (b) In the absence of conviction, as provided  
418 in subdivision (3) of subsection (a) of this  
419 section, the Office of Victim Services or, on  
420 review, a victim compensation commissioner may  
421 order payment of compensation under this section  
422 if, upon consideration of all circumstances  
423 determined to be relevant, the Office of Victim  
424 Services or a victim compensation commissioner, as  
425 the case may be, reasonably concludes that another  
426 person has operated a motor vehicle in violation  
427 of subsection (a) OR (b) of section 14-224, AS  
428 AMENDED BY SECTION 3 OF PUBLIC ACT 97-291, [or of]  
429 section 14-222, 14-222a, 14-227a, 53a-56b, 53a-57  
430 or 53a-60d OR SUBSECTION (a) OF SECTION 53a-119b.

431 (c) Except as provided in subdivision (3) of  
432 subsection (a) and subsection (b) of this section,  
433 no act involving the operation of a motor vehicle  
434 which results in injury shall constitute a crime  
435 for the purposes of this chapter unless the  
436 injuries were intentionally inflicted through the  
437 use of the vehicle.

438 (d) Evidence of an order for the payment of  
439 compensation by the Office of Victim Services or a  
440 victim compensation commissioner in accordance  
441 with the provisions of this chapter shall not be  
442 admissible in any civil proceeding to prove the  
443 liability of any person for such personal injury  
444 or death or in any criminal proceeding to prove  
445 the guilt or innocence of any person for any  
446 crime.

447 Sec. 6. Subsection (a) of section 54-210 of  
448 the general statutes, as amended by section 5 of  
449 public act 97-257 and section 111 of public act  
450 97-2 of the June 18 special session, is repealed  
451 and the following is substituted in lieu thereof:

452 (a) The Office of Victim Services or a victim  
453 compensation commissioner may order the payment of  
454 compensation under this chapter for: (1) Expenses  
455 actually and reasonably incurred as a result of

456 the personal injury or death of the victim; [,  
457 provided coverage for the cost of medical care and  
458 treatment of a crime victim who does not have  
459 medical insurance or who has exhausted coverage  
460 under applicable health insurance policies or  
461 Medicaid shall be ordered;] (2) loss of earning  
462 power as a result of total or partial incapacity  
463 of such victim; (3) LOSS OF INCOME AS A RESULT OF  
464 PARTICIPATION OF THE VICTIM IN THE CRIMINAL  
465 JUSTICE SYSTEM; [(3)] (4) pecuniary loss to the  
466 dependents of the deceased victim; [, and (4)] (5)  
467 EXPENSES ACTUALLY AND REASONABLY INCURRED TO  
468 PURCHASE AND INSTALL LOCKS AND ALARM SYSTEMS TO  
469 PROTECT THE VICTIM; AND (6) any other loss, except  
470 as set forth in section 54-211, AS AMENDED BY THIS  
471 ACT, resulting from the personal injury or death  
472 of the victim which the Office of Victim Services  
473 or a victim compensation commissioner, as the case  
474 may be, determines to be reasonable. There shall  
475 be one hundred dollars deductible from the total  
476 amount determined by said office or victim  
477 compensation commissioner.

478 Sec. 7. Section 54-211 of the general  
479 statutes, as amended by section 2 of public act  
480 97-59, is repealed and the following is  
481 substituted in lieu thereof:

482 (a) (1) No order for the payment of  
483 compensation shall be made under section 54-210,  
484 AS AMENDED BY THIS ACT, unless the application has  
485 been made within two years after the date of the  
486 personal injury or death, and the personal injury  
487 or death was the result of an incident or offense  
488 listed in section 54-209, AS AMENDED BY THIS ACT,  
489 which has been reported to the police within five  
490 days of its occurrence or, if the incident or  
491 offense could not reasonably have been reported  
492 within such period, within five days of the time  
493 when a report could reasonably have been made. (2)  
494 Notwithstanding the provisions of subdivision (1)  
495 of this subsection, any person who fails to make  
496 application for compensation within two years  
497 after the date of the personal injury or death as  
498 a result of physical, emotional or psychological  
499 injuries caused by such personal injury or death  
500 may apply for a waiver of such time limitation,  
501 provided in no event may such application for  
502 waiver of the time limitation be filed later than  
503 six years after the date of such personal injury

504 or death. The Office of Victim Services, upon a  
505 finding of such physical, emotional or  
506 psychological injury, may grant such waiver. (3)  
507 Notwithstanding the provisions of subdivision (1)  
508 of this subsection, any minor who fails to make  
509 application for compensation within two years  
510 after the date of the personal injury or death  
511 through no fault of the minor, may apply for a  
512 waiver of such time limitation, provided in no  
513 event may such application be filed later than two  
514 years after such minor attains the age of  
515 majority, or [seven] SIX years after the date of  
516 the personal injury or death, whichever is  
517 [sooner] LATER. The Office of Victim Services,  
518 upon a finding that such minor is not at fault,  
519 may grant such waiver. Any waiver denied by the  
520 Office of Victim Services under this subsection  
521 may be reviewed by a victim compensation  
522 commissioner, provided such request for review is  
523 made by the applicant within thirty days from the  
524 mailing of the notice of denial by the Office of  
525 Victim Services. If a victim compensation  
526 commissioner grants such waiver the commissioner  
527 shall refer the application for compensation to  
528 the Office of Victim Services for a determination  
529 pursuant to section 54-205, AS AMENDED BY THIS  
530 ACT.

531 (b) No compensation shall be awarded if: (1)  
532 The offender is unjustly enriched by the award,  
533 provided compensation awarded to a victim which  
534 would benefit the offender in a minimal or  
535 inconsequential manner shall not be considered  
536 unjust enrichment; (2) the victim violated a penal  
537 law of this state, which violation caused or  
538 contributed to his injuries or death.

539 (c) No compensation shall be awarded for  
540 losses sustained for crimes against property or  
541 for noneconomic detriment such as pain and  
542 suffering.

543 (d) No compensation shall be awarded for the  
544 first hundred dollars of injury sustained and no  
545 such compensation shall be in an amount in excess  
546 of fifteen thousand dollars except that such  
547 compensation to or for the benefit of the  
548 dependents of a homicide victim shall be in an  
549 amount not to exceed twenty-five thousand dollars.  
550 The claims of the dependents of a deceased victim,  
551 as provided in section 54-208, shall be considered

552 derivative of the claim of such victim and the  
553 total compensation paid for all claims arising  
554 from the death of such victim shall not exceed a  
555 maximum of twenty-five thousand dollars.

556 (e) Orders for payment of compensation  
557 pursuant to this chapter may be made only as to  
558 injuries or death resulting from incidents or  
559 offenses arising on and after January 1, 1979,  
560 except that (1) orders for payment of compensation  
561 FOR PERSONAL INJURY OR DEATH WHICH RESULTED FROM  
562 THE OPERATION OF A MOTOR VEHICLE BY ANOTHER PERSON  
563 WHO WAS SUBSEQUENTLY CONVICTED WITH RESPECT TO  
564 SUCH OPERATION FOR A VIOLATION OF SECTION 14-227a,  
565 53a-56b OR 53a-60d, pursuant to subdivision (3) of  
566 subsection (a) of section 54-209, as amended by  
567 section 1 of [this act] PUBLIC ACT 97-59 AND  
568 SECTION 5 OF THIS ACT, may be made only as to  
569 injuries or death resulting from incidents or  
570 offenses arising on and after July 1, 1985, (2)  
571 ORDERS FOR COMPENSATION FOR PERSONAL INJURY OR  
572 DEATH WHICH RESULTED FROM THE OPERATION OF A MOTOR  
573 VEHICLE BY ANOTHER PERSON WHO WAS SUBSEQUENTLY  
574 CONVICTED WITH RESPECT TO SUCH OPERATION FOR A  
575 VIOLATION OF SUBSECTION (a) OF SECTION 14-224, AS  
576 AMENDED BY SECTION 3 OF PUBLIC ACT 97-291,  
577 PURSUANT TO SUBDIVISION (3) OF SUBSECTION (a) OF  
578 SECTION 54-209, AS AMENDED BY THIS ACT, MAY BE  
579 MADE ONLY AS TO INJURIES OR DEATH RESULTING FROM  
580 INCIDENTS OR OFFENSES ARISING ON AND AFTER OCTOBER  
581 1, 1995, (3) ORDERS FOR COMPENSATION FOR PERSONAL  
582 INJURY OR DEATH WHICH RESULTED FROM THE OPERATION  
583 OF A MOTOR VEHICLE BY ANOTHER PERSON WHO WAS  
584 SUBSEQUENTLY CONVICTED WITH RESPECT TO SUCH  
585 OPERATION FOR A VIOLATION OF SUBSECTION (b) OF  
586 SECTION 14-224, AS AMENDED BY SECTION 3 OF PUBLIC  
587 ACT 97-291, SECTION 14-222, 14-222a OR 53a-57 OR  
588 SUBSECTION (a) OF SECTION 53a-119b, PURSUANT TO  
589 SUBDIVISION (3) OF SUBSECTION (a) OF SECTION  
590 54-209, AS AMENDED BY THIS ACT, MAY BE MADE ONLY  
591 AS TO INJURIES OR DEATH RESULTING FROM INCIDENTS  
592 OR OFFENSES ARISING ON AND AFTER JULY 1, 1998, AND  
593 (4) ORDERS FOR COMPENSATION FOR PERSONAL INJURY OR  
594 DEATH WHICH RESULTED FROM THE OPERATION OF A MOTOR  
595 VEHICLE BY ANOTHER PERSON WHO OPERATED A MOTOR  
596 VEHICLE IN VIOLATION OF SUBSECTION (b) OF SECTION  
597 14-224, AS AMENDED BY SECTION 3 OF PUBLIC ACT  
598 97-291, SECTION 14-222, 14-222a OR 53a-57 OR  
599 SUBSECTION (a) OF SECTION 53a-119b, PURSUANT TO

600 SUBSECTION (b) OF SECTION 54-209, AS AMENDED BY  
601 THIS ACT, MAY BE MADE ONLY AS TO INJURIES OR DEATH  
602 RESULTING FROM INCIDENTS OR OFFENSES ARISING ON  
603 AND AFTER JULY 1, 1998.

604 (f) Compensation shall be awarded pursuant to  
605 this chapter for bodily injury or death resulting  
606 from a crime which occurs (1) within this state,  
607 regardless of the residency of the applicant; (2)  
608 outside this state but within the territorial  
609 boundaries of the United States, provided the  
610 victim, at the time of injury or death, was a  
611 resident of this state and the state in which such  
612 crime occurred does not have a program for  
613 compensation of victims for which such victim is  
614 eligible; and (3) outside the territorial  
615 boundaries of the United States, provided the  
616 applicant is a victim of international terrorism,  
617 as defined in Section 2331 of Title 18 of the  
618 United States Code, and was a resident of this  
619 state at the time of injury or death.

620 Sec. 8. Section 54-211a of the general  
621 statutes is repealed and the following is  
622 substituted in lieu thereof:

623 Any applicant aggrieved by an order or  
624 decision of a victim compensation commissioner may  
625 appeal [by way of a demand for a trial de novo] to  
626 the superior court for the judicial district of  
627 Hartford-New Britain\*. The appeal shall be taken  
628 within thirty days after mailing of the order or  
629 decision, or if there is no mailing, within thirty  
630 days after personal delivery of such order or  
631 decision.

632 Sec. 9. Section 54-216 of the general  
633 statutes is repealed and the following is  
634 substituted in lieu thereof:

635 (a) The Office of Victim Services or, on  
636 review, a victim compensation commissioner may  
637 order that services be provided for the  
638 restitution of any person eligible for such  
639 services in accordance with the provisions of this  
640 chapter. Such services may include but shall not  
641 be limited to medical, psychiatric, psychological  
642 and social services, [and] social rehabilitation  
643 services AND REIMBURSEMENT FOR LOST INCOME  
644 RESULTING FROM PARTICIPATION IN THE CRIMINAL  
645 JUSTICE SYSTEM.

646 (b) The Office of Victim Services or, on  
647 review, a victim compensation commissioner may

648 order that such restitution services AND ANY  
649 INCOME LOST DUE TO THE NECESSITY TO RECEIVE SUCH  
650 SERVICES be provided to victims of child abuse and  
651 members of their families, victims of sexual  
652 assault and members of their families and members  
653 of the family of any victim of homicide.

654 (c) The Office of Victim Services may  
655 contract with any public or private agency for any  
656 services ordered under this section.

657 Sec. 10. Section 54-217 of the general  
658 statutes is repealed and the following is  
659 substituted in lieu thereof:

660 Notwithstanding the provisions of section  
661 54-204 and section 54-205, AS AMENDED BY THIS ACT,  
662 if it appears to the Office of Victim Services  
663 prior to taking action upon such claim, that (a)  
664 such claim is one with respect to which an award  
665 probably will be made, and (b) undue hardship will  
666 result to the claimant if immediate payment is not  
667 made, the Office of Victim Services may make an  
668 emergency award to the claimant pending a final  
669 determination on the application, provided (1) the  
670 amount of such emergency award shall not exceed  
671 [one] TWO thousand dollars, (2) the amount of such  
672 emergency award shall be deducted from any final  
673 award made to the claimant and (3) the excess of  
674 the amount of such emergency award over the final  
675 award, or the full amount of the emergency award  
676 if no final award is made, shall be repaid by the  
677 claimant to the Office of Victim Services.

678 Sec. 11. This act shall take effect July 1,  
679 1998, except that sections 1 to 6, inclusive, and  
680 8 to 10, inclusive, shall take effect October 1,  
681 1998.

682 STATEMENT OF LEGISLATIVE COMMISSIONERS: Section 6  
683 was deleted for accuracy since that statutory  
684 section will be obsolete on the effective date of  
685 the act, and section 11 was added to make section  
686 7 effective July 1, 1998, for accuracy.

687 JUD COMMITTEE VOTE: YEA 39 NAY 0 JFS-LCO

\* \* \* \* \*

"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."

\* \* \* \* \*

**FISCAL IMPACT STATEMENT - BILL NUMBER sHB 5323**

STATE IMPACT                      Indeterminate      Cost      (Criminal  
   Injuries Compensation Fund), see  
   explanation below

MUNICIPAL IMPACT              None

STATE AGENCY(S)              Judicial Department

**EXPLANATION OF ESTIMATES:**

The bill would result in an increase in the range of costs that could be compensated by the Criminal Injuries Compensation Fund (CICF) through the Office of Victim Services. The provisions of the bill that result in this cost increase include:

- \* adding various motor vehicle offenses to those eligible for compensation (there were about 2,700 of these recorded in 1997)
- \* making the cost of locks and alarm systems eligible for compensation
- \* making lost income as a result of participation in the criminal justice system eligible for compensation

The extent to which these provisions would increase costs to the CICF is anticipated to be minimal in the short term. The long term cost impact, however, is uncertain.

The Judicial Department receives an appropriation of \$1.9 million from the Criminal Injuries Compensation Fund for victim compensation. In FY 1995-96 (when the

appropriation was \$1.5 million) these funds were distributed to victims of: assault (63%), homicide (28%), child sexual assault (4%), adult sexual assault (2%), domestic abuse (1%), driving while impaired (1%) and other violent crime (less than 1%). The majority of these funds paid for medical costs and economic support for victims.

\* \* \* \* \*

### OLR BILL ANALYSIS

HB 5323

#### AN ACT CONCERNING THE OFFICE OF VICTIM SERVICES

**SUMMARY:** This bill makes several changes in the crime victim compensation laws. It:

1. expands the type of motor vehicle offenses for which compensation may be paid and authorizes the Office of Victim Services (OVS) to compensate victims injured or killed in such offenses that occur on and after July 1, 1998;
2. eliminates a victim's right to compensation for serious physical injuries or death resulting from a hit and run accident that occurred between July 1, 1995 and October 1, 1985;
3. expands the list of expenses that may be covered by crime victim compensation and eliminates a restriction on allowable medical expenses;
4. increases from \$1,000 to \$2,000 emergency awards to people who present a claim for which OVS believes an award will be made and who will suffer undue hardship if immediate payment is not made;
5. alters the time frame for certain minors to apply for compensation;
6. eliminates a requirement for the Superior Court to hear appeals from crime victim compensation commissioners in a trial de novo;

7. eliminates a requirement that OVS contract with or provide grants only to private nonprofit organizations or municipalities for services, technical and training assistance, and implementation of public education campaigns;
8. beginning with appointments on April 1, 1999 and July 1, 1999, respectively, establishes staggered terms for victim compensation commissioners and state advisory council members; and
9. clarifies that OVS "evaluates" claims before making determinations and that victim compensation commissioners may "review" them after the determination is made.

EFFECTIVE DATE: October 1, 1998

**FURTHER EXPLANATION**

**Crime Victim Compensation**

By law, OVS may compensate certain crime victims for reasonable and necessary expenses, loss of earning power, pecuniary losses, and other loss resulting from death or injury. Maximum awards are \$15,000 for personal injuries and \$25,000 for deaths. Eligible victims must have been injured or killed as a result of (1) their attempt to prevent crime, aid police, or apprehend suspects; (2) attempts or actual commissions of any crime by another person; (3) international terrorism; or (4) another person's violation of enumerated motor vehicle offenses.

**Motor Vehicle Offenses.** The bill adds the following to the list of motor vehicle offenses and allows OVS to pay compensation if injury or death results from incidents that occur on and after July 1, 1998:

1. evading responsibility after an accident involving serious injury,
2. reckless driving,
3. negligent homicide with a motor vehicle,

4. misconduct with a motor vehicle, and
5. using a motor vehicle without the owner's permission.

Under current law, victims may be compensated if they are injured or killed in an accident and the motor vehicle operator is convicted of or charged with (1) evading responsibility where serious physical injury or death resulted, (2) being under the influence of drugs or alcohol, (3) second-degree manslaughter with a motor vehicle, or (4) second-degree assault with a motor vehicle.

**Allowable Expenses.** The bill allows OVS to compensate victims for income lost as a result of their participation in the criminal justice system and for actual and reasonable costs of locks and alarm systems purchased and installed for their protection.

The bill also allows, instead of requires, OVS to compensate for the cost of medical care and treatment when the victim either has no medical insurance or has exhausted coverage.

#### **Deadline for Minors to Apply for Compensation**

By law, any person seeking compensation must apply within two years after the date of injury or death. But minors who fail to apply, through no fault of their own, may obtain a waiver and apply within two years after reaching age 18 or within seven years after the injury or death, whichever occurs sooner. The bill changes the timeframe by allowing the minor to apply within two years of reaching age 18 or within six years after the injury or death, whichever occurs later.

#### **Comprehensive Compensation and Service Delivery Plan**

The law requires OVS to use any grants it receives to (1) hire victim advocates, (2) administer victim services programs, and (3) implement the comprehensive compensation and service delivery plan. To implement the plan, OVS may make grants, to or contract with, only municipalities or private nonprofit organizations for direct services, technical and training assistance, and public education campaigns. The bill eliminates this contract and grant restriction and instead allows

OVS to contract with or make grants to anyone for services, assistance, or public education campaigns.

### Commissioners' and Advisory Council Members' Terms

The bill requires all victim compensation commissioners' terms to expire July 1, 1999 and establishes staggered terms for commissioners appointed on and after that date. Under the bill, the governor must appoint one attorney each to serve one-, two-, and three-year terms and two attorneys who must serve two-year terms. After the initial appointments, all members must serve four-year terms.

The bill requires all state advisory council members' terms to expire April 1, 1999 and establishes staggered terms for council member appointed on and after that date. Under the bill, members representing executive branch agencies; homicide survivors; and sexual assault, assault, and robbery victims must be appointed for two-year terms. Judicial branch, family violence and drunk drivers' victims, and other victim populations not specifically delineated must be appointed for four-year terms.

### **BACKGROUND**

#### Trial De Novo

When a matter is tried "de novo," it is tried anew; as if it has not been heard before and as if no decision has been previously rendered.

#### Crime Victim

The relative of a minor or deceased victim may apply for crime victim compensation. A relative is a person's spouse, parent, grandparent, stepparent, child, grandchild, brother, sister, half-brother, half-sister, or spouse's parents.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report  
Yea 39      Nay 0