



2015 Legislative Update

The following is a summary of the recent bills passed in Connecticut that directly affect crime victims.

Acts Concerning Children

Special Act No. 15-10 (Senate Bill No. 303): Establishes of a task force to study the state-wide response to minors exposed to family violence. Such study shall include, but not be limited to, (1) an examination of existing policies and procedures used by the Department of Children and Families, the Department of Mental Health and Addiction Services, health care professionals, law enforcement, guardians ad litem, attorneys for minor children and the Judicial Branch for minors who are exposed to family violence, and (2) the development of a statewide model policy for use by (A) the Department of Children and Families, including organizations with which it contracts services; (B) the Department of Mental Health and Addiction Services, including organizations with which it contracts services; (C) health care professionals; (D) guardians ad litem; (E) attorneys for minor children; (F) law enforcement; and (G) the Judicial Branch, when responding to minors who are exposed to family violence.

Public Act No. 15-221 (Senate Bill No. 312): Requires the Child Fatality Review Panel to review current practices, policies, and procedures protecting children up to age three from unexpected death or critical injury and, by October 1, 2016, submit a report to the Education and Children's committees on their effectiveness in providing such protection. The report must include recommendations on administrative or legislative action needed to better protect these children. The act also requires the Office of the Child Advocate, in consultation with the review panel, to study the rates and causes of child fatalities in the state. Starting by July 1, 2016, the child advocate must report annually on the rates and causes of state child fatalities to the Children's and Education committees. The committees must hold a joint public forum on the child advocate's findings within 60 days of receiving the annual report.

Public Act No. 15-208 (House Bill No. 6725): Requires the children and families (DCF) commissioner, in consultation with the agriculture commissioner and within available appropriations, to develop a protocol to identify and mobilize animal-assisted critical incident response teams statewide. The act extends the deadline for this requirement by two years, from January 1, 2014 to January 1, 2016. It requires the teams to be available to provide animal-assisted activities, not just animal-assisted therapy. The teams must operate on a

volunteer basis and be available on 24 hours' notice. Requires the commissioner, in consultation with the animal-assisted activity community and within available appropriations, to develop by July 1, 2016 a protocol to identify and credential animal-assisted activity organizations and animal-assisted therapy providers in the state. This protocol must provide animal-assisted activities and therapy, not just animal-assisted therapy for children and youths living with trauma and loss. Requires that the DCF commissioner, within available appropriations, develop and implement training for certain department employees and healthcare providers on the (1) healing value of the human-animal bond for children, (2) value of therapy animals in dealing with traumatic situations, and (3) benefits of animal-assisted activities and animal-assisted therapy.

Acts Concerning Seniors

Public Act No. 15-233 (Senate Bill No. 896): Allows the Department of Social Services (DSS) to petition the probate court for an order to enter an elderly person's premises to conduct an assessment if (1) DSS has reasonable cause to believe the elderly person may need protective services and (2) the elderly person or another individual has refused DSS access to the premises. DSS must include certain information in its investigation file and its petition to the probate court. The court must grant the petition if it finds certain conditions are met. The bill also changes several provisions on access to and disclosure of information during and after DSS investigations. The bill also alters the definition of neglect for purposes of DSS investigations and services.

Public Act No. 15-236 (Senate Bill No. 1005): Makes certain emergency medical service providers mandated reporters of elderly abuse and expands training requirements for employees of certain entities who care for someone age 60 or older; gives abused, neglected, exploited, or abandoned elderly people a civil cause of action against perpetrators; requires the Commission on Aging to (a) study best practices for reporting and identifying elderly abuse, neglect, exploitation, and abandonment and (b) create a portal of training resources for financial institutions and agents; requires certain financial agents to receive training on elderly fraud, exploitation, and financial abuse; and makes changes in definitions of elderly neglect and necessary services. The bill also prohibits someone convicted of 1st or 2nd degree larceny or 1st degree abuse of an elderly, blind, or disabled person or person with intellectual disabilities from inheriting, receiving insurance benefits, or receiving certain property from a deceased victim. It makes changes to the disposition of certain types of jointly owned personal property when one owner is convicted of one of these or certain other crimes against another owner.

Public Act No. 15-150 (House Bill No. 5257): Requires people working in certain professions to report to the Department of Social Services (DSS) if they have reasonable cause to suspect or believe a resident in a long-term care facility has been abused, neglected, exploited, or abandoned, and DSS must investigate such reports. Requires DSS, after receiving such a report, to notify the resident's (1) guardian or conservator, if any; (2) legally liable relative; or (3) other responsible party. The department must get the contact information from the long-term care facility and provide the notice as soon as possible, but no later than 24 hours, after receiving

the report. The notice is not required when the guardian, conservator, legally liable relative, or responsible party is the suspected perpetrator.

Acts Concerning Sexual Assault

Public Act No. 15-16 (Senate Bill No. 966): Allows sexual assault forensic examiners (SAFE) to treat sexual assault victims who are patients in a health care facility operated by a higher education institution. SAFEs may treat these patients if the health care facility is (1) licensed by the Department of Public Health (DPH) as an infirmary operated by an educational institution or as an outpatient clinic and (2) accredited by the Joint Commission or the Accreditation Association for Ambulatory Health Care (see BACKGROUND). Prior law allowed SAFEs to treat only acute care hospital patients. Allows SAFEs working in higher education health care facilities, like SAFEs in acute care hospitals, to collect evidence pertaining to the investigation of any sexual assault using the State of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault. Requires that SAFE services provided in a higher education health care facility be (1) aligned with the facility's policies and accreditation and (2) pursuant to a written agreement between the health care facility and (a) DPH and (b) the Office of Victim Services, about the facility's participation in the SAFE program.

Public Act No. 15-205 (House Bill No. 6186): Increases, from a class A misdemeanor to a class E felony, the penalty for a mandated reporter who fails to report suspected child abuse or neglect to the Department of Children and Families (DCF) if the (1) violation is a subsequent violation; (2) violation is willful, intentional, or due to gross negligence; or (3) mandated reporter had actual knowledge of the abuse, neglect, or sexual assault. Extends the mandated reporter law's protection to high school students age 18 and older who are not enrolled in an adult education program. Expands the reporting requirement for school employees and subjects violators to the penalties described above. Requires school employees to report to DCF suspected sexual assault of any student not enrolled in adult education by a school employee. Establishes the factors on which all mandated reporters may base their suspicion. Creates a class D felony for anyone, other than a child or a student not enrolled in an adult education program, to intentionally and unreasonably interfere with or prevent such reporting or conspire or attempt to do so. Requires the principal for each school under the jurisdiction of a local or regional board of education must annually certify to the superintendent that school employees completed such training, and the superintendent must certify compliance to the State Board of Education (SBE). Extends DCF's investigation and notification requirements in reported child abuse or neglect cases to include cases of reported sexual assault of students by school employees. Requires each local or regional board to (1) update its written policy, by February 1, 2016, to include the new school employee reporting requirements and (2) establish a confidential rapid response team, by January 1, 2016, to coordinate with DCF to ensure prompt reporting. Prohibits the boards from hiring noncompliant or convicted employees who were terminated or resigned and requires SBE to revoke the certification, permit, or authorization of anyone convicted of certain crimes.

Public Act No. 15-207 (House Bill No. 6498): Makes various changes affecting evidence in sexual assault cases and establishes deadlines for transferring and processing sexual assault evidence police obtain from health care facilities that collect such evidence. If an accused seeks to introduce evidence of a victim's sexual conduct in a sexual assault case, the bill requires the hearing on the motion to be held in camera (i.e., in private), rather than allowing the court to grant a motion to hold the hearing in that manner. By law, evidence of a victim's sexual conduct in these cases is admissible only in certain limited circumstances. Requires motions, supporting documents, and related court documents concerning these hearings to be sealed, and unsealed only if the court rules that the evidence is admissible and the case goes to trial. If the state discloses any such evidence, the bill limits further disclosure of that evidence by defense counsel.

Public Act No. 15-218 (House Bill No. 7048): Requires state and municipal agencies that incarcerate or detain juvenile offenders, including immigration detainees, to adopt and comply with the applicable standards recommended by the National Prison Rape Elimination Commission for preventing, detecting, monitoring, and responding to sexual abuse. The agencies covered are prisons, jails, community correction facilities, juvenile facilities, and lockups.

Acts Concerning Domestic Violence

Public Act No. 15-175 (House Bill No. 6971): Creates the crime of electronic stalking as a separate stalking crime and makes it a class B misdemeanor. A person commits electronic stalking by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track someone's position or movement, thereby recklessly causing the individual to reasonably fear for his or her physical safety.

Acts Concerning Sexual Offenders

Special Act No. 15-2 (Senate Bill No. 1087): Requires the Connecticut Sentencing Commission to study: (1) The sentencing of sexual offenders; (2) the risk assessment and management of sexual offenders; (3) the registration requirements and registry; (4) the information available to the public and law enforcement regarding sexual offenders; (5) the effectiveness of a tiered classification system based on the risk of re-offense; (6) methods to reduce and eliminate recidivism by individuals convicted of a sexual offense; (7) housing opportunities and obstacles for sexual offender registrants; (8) options for post-sentence appeals concerning the registry status of a sexual offender registrant; (9) sexual offender management; and (10) victim and survivor needs and services and community education.

Acts Concerning Access to Information

Public Act No. 15-164 (House Bill No. 6750): Increases law enforcement agencies' disclosure obligations under the Freedom of Information Act (FOIA) for records relating to a person's arrest. The agency must disclose the (1) arrest warrant application and supporting affidavits, if the arrest was made by warrant, or (2) official arrest, incident, or similar report, if the arrest was made without a warrant. If a judicial authority orders the affidavits or report sealed, in

whole or in part, then the agency must disclose the unsealed portion, if applicable, and a report summarizing the circumstances that led to the arrest, without violating the judicial authority's order. Specifies that the record of the arrest does not include any investigative files a law enforcement agency compiles in connection with investigating a crime resulting in an arrest. Prohibits law enforcement agencies from redacting the record of the arrest except for (1) witnesses' identities; (2) specific information about the commission of a crime, if the agency reasonably believes it may prejudice a pending prosecution or a prospective law enforcement action; or (3) information ordered sealed by a judicial authority. Requires that, during the period in which a person's prosecution is pending, law enforcement agencies disclose under FOIA any public record that documents or depicts a person's arrest or custody, unless there is an applicable statutory exemption from disclosure. A law enforcement agency that receives a FOIA request for such a record must notify the state's attorney for the judicial district where the arrest occurred. Allows the state's attorney to intervene in any proceeding before the Freedom of Information Commission concerning the requested record. Specifies that it applies only when a prosecution is pending against the person who is the subject of the record.

Acts Concerning the Criminal Justice System

Public Act No. 15-84 (Senate Bill No. 796): Establishes a process for defendants that were under the age of 18 when they committed their crime to seek release to parole after serving a portion of their sentence. Requires the court to consider a number of factors prior to sentencing a juvenile offender, convicted of a Class A or B felony, to a lengthy period of incarceration. Prohibits the sentence of mandatory life without the possibility of release in cases of a juvenile convicted of felony murder. Prohibits the sentence of life without the possibility of release in cases of a juvenile convicted of crimes other than murder. Requires that whenever a juvenile is sentenced to a Class A or B felony, the court shall indicate the maximum period of incarceration that may apply to the juvenile and whether the juvenile may be eligible to apply for release on parole. Requires the Connecticut Sentencing Commission to study how victims may be notified of the parole eligibility laws and any other release mechanisms governing cases where a person is convicted of one or more crimes and receives a definite sentence or total effective sentence of more than two years for such crime or crimes.

Public Act No. 15-85 (Senate Bill No. 1033): *In part*, ensures that no person who is listed as a respondent in a civil order of protection or restraining order may be criminally liable for a violation of such order if such person causes a legal document to be served on the protected person by mail or through a third party in accordance with the law. Clarifies that life insurance is not a consideration by the Office of Victim Services when determining an application for compensation.

Public Act No. 15-211 (Senate Bill No. 1105): *In part*, modifies the assault second degree offense to include the "knock-out" game and provides for an enhanced penalty when there is serious physical injury. Establishes a Domestic Violence Offender Program Standards Advisory Council. The Domestic Violence Offender Program Standards Advisory Council shall promulgate, review and, as needed, update and amend the domestic violence offender program standards that were presented to the Criminal Justice Policy Advisory Committee on September 25, 2014. The Victim Advocate is a member of the Advisory Council. Prohibits the entry of a nolle to any charge of family violence for any family violence case initiated on or after

July 1, 2016, that is not referred to the local family violence intervention unit, unless the prosecuting authority states in open court his or her reasons for the nolle and, if the reasons include consideration of the defendant's participation in a counseling or treatment program, a representation that such counseling or treatment program complies with program standards. Includes a victim of family violence among those whose address and phone number do not have to be divulged during any pretrial evidentiary hearing or trial. Includes a victim of family violence among those whose name and address are confidential and may only be disclosed upon order of the court.

Public Act No. 15-213 (House Bill No. 6921): Expands the conduct punishable as voyeurism and expands the sex offender registry requirements to cover this new conduct; increases the penalty for voyeurism when the victim is under age 16 or the offender has a prior conviction of voyeurism or certain other crimes; extends the statute of limitations for voyeurism under certain circumstances; increases the possible probation term for certain types of voyeurism; and extends to voyeurism victims three protections existing law gives to certain sexual assault victims regarding their names, addresses, and other identifying information. Creates a new crime of unlawful dissemination of an intimate image.

Public Act No. 15-216 (House Bill No. 7027): *In part*, expands the list of crimes that bar inmates from earning the credits; requires prison wardens to verify that an inmate being released from a prison earned the credits that are reducing his or her sentence; and requires the Department of Correction (DOC) commissioner, quarterly beginning by January 1, 2016, to report to the General Assembly and post on the department's website certain information about inmates released early because of earned credits.

Public Act No. 15-183 (House Bill No. 7050): *In part*, eliminates automatic transfers for juvenile delinquents, ages 14 through 17, charged with certain class B felonies and raises the minimum age, from 14 to 15, for the (a) automatic transfer for other class B felonies or more serious crimes and (b) discretionary transfer for felonies not subject to automatic transfer.

Acts Concerning Victims of Human Trafficking

Public Act No. 15-195 (House Bill No. 6849): Expands the crime of human trafficking by broadening the conditions under which the crime is committed when the victim is a minor (under age 18); requires the Department of Public Health (DPH) to provide human trafficking victims the same services it must provide certain sexual assault victims under existing law; expands the conditions under which a court must order the erasure of a juvenile's police and court records; expands the list of crimes, including human trafficking, for which wiretapping may be authorized; increases, from 20 to 22, the membership of the Trafficking in Persons Council; and specifically allowing the Office of Victim Services (OVS), under certain circumstances, to waive the two-year limitation on crime victim compensation applications for minors who are victims of human trafficking.



The following is a list of bills in which the OVA submitted testimony during the 2015 legislative session.

Senate Bills:

1114 AN ACT CONCERNING THE COMMISSION ON RACIAL AND ETHNIC DISPARITY IN THE CRIMINAL JUSTICE SYSTEM.

1127 AN ACT CONCERNING MANDATORY MINIMUM SENTENCES FOR CHILDREN TRIED AS ADULTS.

1087 AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION LAWS, RESIDENCY RESTRICTIONS FOR REGISTERED SEXUAL OFFENDERS AND REENTRY HOUSING.

303 AN ACT CONCERNING CHILDREN EXPOSED TO FAMILY VIOLENCE.

636 AN ACT CONCERNING AFFIRMATIVE CONSENT.

650 AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS.

796 AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH AND THE SENTENCING OF A CHILD OR YOUTH CONVICTED OF CERTAIN FELONY OFFENSES.

896 AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED ELDERLY ABUSE VICTIMS.

1005 AN ACT PROTECTING ELDERLY PERSONS FROM EXPLOITATION.

1072 AN ACT CONCERNING PUBLIC SAFETY.

House Bills:

7050 AN ACT CONCERNING THE JUVENILE JUSTICE SYSTEM.

House Bills continued:

7005 AN ACT CONCERNING DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS AND INCREASED PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE.

7004 AN ACT CONCERNING IMPLEMENTATION OF THE RECOMMENDATIONS OF THE TASK FORCE TO STUDY SERVICE OF RESTRAINING ORDERS.

6244 AN ACT CONCERNING PARENTS AND GUARDIANS OF CRIME VICTIMS AND UNEMPLOYMENT BENEFITS.

6498 AN ACT CONCERNING THE TIMELY TRANSFER AND PROCESSING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS.

6588 AN ACT CONCERNING OPEN CONTAINERS IN MOTOR VEHICLES.

6734 AN ACT CONCERNING SURETY BAIL BOND AGENTS.

6848 AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE.

6921 AN ACT CONCERNING INVASIONS OF PRIVACY.

6923 AN ACT CONCERNING SEXUAL ASSAULT.

6926 AN ACT CONCERNING LENGTHY SENTENCES FOR CRIMES COMMITTED BY A CHILD OR YOUTH.

6939 AN ACT CONCERNING SEXUAL ASSAULT IN THE FIRST DEGREE.

6971 AN ACT CONCERNING THE USE OF A GLOBAL POSITIONING SYSTEM.