

# Office of The Victim Advocate

## SUMMARY OF PUBLIC ACTS

### CRIME VICTIMS' RIGHTS LEGISLATION

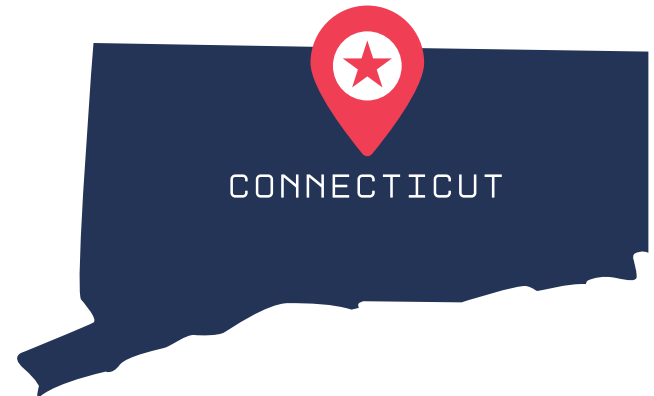
The Office of The Victim Advocate actively monitors and comments on proposed legislation that will directly affect victims of crime.

During this years legislative session, there were significant changes in state law regarding court systems and law enforcement. Updates to laws regarding online harassment, human trafficking, crimes involving juvenile offenders, and sexual assault on college campuses were made by the Legislature.

These changes are summarized in the next pages to help promote awareness of the impact of certain legislation on victims of crime.



The Office of the Victim Advocate (OVA) was statutorily established in 1998 as an independent state agency charged with the promotion and protection of the constitutional and statutory rights of crime victims in Connecticut. Among its many responsibilities, the OVA provides oversight of state and private agencies, and advocacy to crime victims when a violation of their rights is at issue.



#### Crime Victims' Rights Legislation

House Joint Resolution No. 49, Resolution Proposing An Amendment to the State Constitution Concerning Crime Victims' Rights

House Joint Resolution No. 366, Resolution Proposing A Constitutional Amendment To Remove A Prohibition Against Construing The Constitution Or Statute To Create A Basis For A Criminal Conviction To Be Vacated Or Appealed If A Victim Is Not Afforded His Or Her Rights In Court

These resolutions would have corrected a flaw in the Crime Victims' Rights Amendment to the State Constitution, which currently prohibits crime victims from seeking enforcement of their rights when they are violated. The Judiciary Committee failed to act on the resolutions before the deadline.

To see the related testimony submitted by the Office of The Victim Advocate (OVA) visit the OVA website at [www.ct.gov/ova](http://www.ct.gov/ova).

## An Act Concerning Court Operations

Crime victims have the right to attend all hearings that defendants can attend in juvenile and adult criminal courts. This legislation corrected a portion of Public Act No. 19-187 that violated crime victims' rights by prohibiting them from attending proceedings in cases transferred from the juvenile court to the adult court for prosecution.

### House Bill No. 6505/Public Act No. 21-104

The act makes various changes in laws related to court procedures and operations, including:

- Requires the court to extend, upon the applicant's request, certain civil protection orders issued ex parte (i.e., without a hearing) up to another 14 days from the originally scheduled hearing date to allow more time for service of process;
- Allowing the court, instead of holding a hearing in certain family relations matters, to accept an affidavit, made under oath, stating the requirements in the matter and that no civil restraining order or family violence protective order between the parties is in effect or pending before the court;
- Restoring crime victims' ability to practice their constitutional right to attend court proceedings of juveniles being tried on the adult criminal docket;\*
- Establish that any member of a crime victim's immediate family is eligible to receive certain victim notifications and expanding victim compensation eligibility; and
- Specifies that the court's discretionary vacatur relief available to certain human trafficking victims under HB 6657 applies to misdemeanor offenses other than prostitution.

To see the related testimony submitted by the OVA go to [www.ct.gov/ova](http://www.ct.gov/ova) Legislation section

## An Act Concerning Civilian Police Review Boards, Security Guards, Body-Worn Recording Equipment, Searches By Police, Limitations On Offenses Subject To Automatic Erasure, Enticing A Juvenile To Commit A Crime, Lawful Orders By Police Officers And Notice To A Victim Concerning Automatic Erasure Of Criminal Record History.

### Senate Bill No. 1093/Public Act No. 21-33

The act makes various changes to the laws regarding (1) police procedures, (2) juvenile criminal matters, (3) security guards, and (4) criminal record erasure, including:

- Prohibiting former police officers who were decertified in other states from being licensed as security guards and other related jobs;
- Expanding the reasons a police officer's certification may be canceled or revoked by specifying that undermining public confidence in law enforcement includes issuing unlawful orders;
- Establishes the crime of "enticing a juvenile to commit a criminal act";
- Requires the judicial branch to conduct a study to determine the feasibility of (a) decreasing the time between a child's arrest and initial court appearance and (b) establishing a diversionary program for certain children who are arrested; and
- Requires prosecutors, before the court accepts a plea agreement, to notify the victim whether the defendant's conviction may be eligible for automatic erasure.



# Legislation Impacting Crime Victims

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## **Senate Bill No. 892, An Act Concerning The Criminal Justice Commission, Division Of Criminal Justice And The Office Of The Inspector General. Public Act No. 21-8**

The act amends the process for nominating:

- The inspector general and restructures the Office of the Inspector General (OIG) by making it a separate, rather than an independent, office within the Division of Criminal Justice (DCJ).
- Criminal Justice Commission (CJC) members by requiring a referral to the Judiciary Committee rather than the Executive and Legislative Nominations Committee. It also gives CJC more oversight of DCJ.

## **Senate Bill No. 989, An Act Concerning Online Harassment. Public Act No. 21-56**

The act:

- Expands various crimes related to harassment to include conduct initiated through electronic methods, by expanding what constitutes 2nd degree stalking to include certain conduct.
- Allows those harmed by a disclosure to bring a civil action to recover damages and other relief.
- Specifies that the crime of trafficking in personal identifying information includes selling, giving, or otherwise transferring personal identifying information.

## **Senate Bill No. 1019, An Act Concerning The Board Of Pardons And Paroles, Erasure Of Criminal Records For Certain Misdemeanor And Felony Offenses, Prohibiting Discrimination Based On Erased Criminal History Record Information And Concerning The Recommendations Of The Connecticut Sentencing Commission With Respect To Misdemeanor Sentences (Clean Slate) Public Act No. 21-32**

The act:

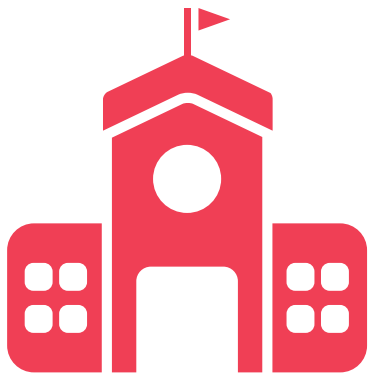
- Establishes a process for the automatic erasure of records of certain criminal convictions after a specified period following the person's most recent conviction. These provisions do not apply to (1) class A, B, or C felonies (or certain unclassified felonies), (2) family violence crimes, or (3) other specifically identified crimes.
- Makes other related changes, such as setting a deadline for purchasers of public criminal records to purge erased records from their files after receiving information about that erasure.
- Allows a person's attorney to petition the court for the person's erased records if (1) the person is the subject of an immigration matter and (2) federal law may require disclosure of criminal history information. The court must direct that the records be made available to the attorney, to the extent the information has been retained.
- Prohibits discrimination in various contexts based on someone's erased criminal history record information, including in housing, employment, public accommodations, credit, and state agency services.
- Requires members of the Board of Pardons and Paroles to (1) receive annual training on the pardons process and (2) provide a written explanation when denying a pardon.
- Reduces the maximum sentence for misdemeanors by one day, from one year to 364 days, and makes related changes.

## **Senate Bill No. 1091, An Act Concerning The Definition Of Domestic Violence, Revising Statutes Concerning Domestic Violence, Child Custody, Family Relations Matter Filings And Bigotry Or Bias Crimes And Creating A Program To Provide Legal Counsel To Indigents In Restraining Order Cases. Public Act No. 21-78**

The act makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, and certain crimes including:

- Establishes a general definition of domestic violence that includes coercive control as a form of domestic violence;
- Allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders;
- Requires the court to sanction a party that files frivolous and fabricated pleadings or motions;
- Creates a grant program to provide free legal assistance to indigent restraining order applicants;
- Categorizes criminal violation of a protection order or condition of release as a family violence crime in certain circumstances;
- Establishes a time frame for U Nonimmigrant Status certification;
- Prescribes a specific notice to each person who receives a family violence protective order or standing criminal protection order;
- Requires courthouses constructed on or after July 1, 2021, to include a room for family violence victims and advocates;
- Expands the "best interest of the child" factors in family relations matters to include the child's physical and emotional health;
- Expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims;
- Expands the factors the court may consider when determining release conditions;
- Provides eligible domestic violence victims easier access to certain assistance programs;
- Expands the crimes of 1st, 2nd, and 3rd degree intimidation based on actions motivated in whole or in substantial part by certain attributes; and
- Establishes additional protections for tenants who are protected by certain orders of protection by, among other things, requiring a landlord to change a dwelling unit's locks upon the tenant's request or allow the tenant to do so within a certain time period.





### **House Bill No. 6374, An Act Concerning Sexual Misconduct On College Campuses. Public Act No. 21-81**

The act:

- Establishes the Council on Sexual Misconduct Climate Assessments within the legislative department and requires the council to:
  - o Develop a list of data points for higher education institutions to collect through student responses to sexual misconduct climate assessments;
  - o Recommend one or more sexual misconduct climate assessments that collect the data points the council identified;
  - o Recommend assessment implementation guidelines; and

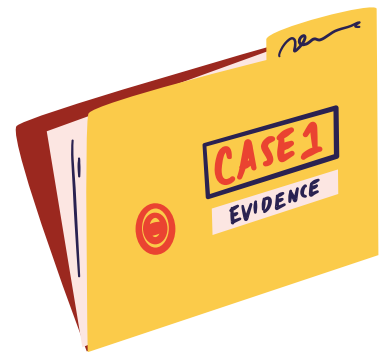
o Starting by January 1, 2022, the act requires the council to report every two years to the Higher Education and Employment Advancement Committee and each Connecticut higher education institution on the (1) list of data points it developed and (2) recommended sexual misconduct climate assessments and guidelines for their implementation.

- Requires each Connecticut higher education institution, by March 1, 2023, and every two years after that, to (1) conduct a sexual misconduct climate assessment that collects the data points the council develops and (2) distribute the assessment to each enrolled student in accordance with the council's recommended guidelines.
- Prohibits a higher education institution from taking disciplinary action against a student or employee for violating the institution's drug or alcohol policy if (1) he or she reports an alleged incident of sexual assault, stalking, or intimate partner violence that occurred during, or was connected to, the policy violation and (2) the policy violation did not place another person's health or safety at risk

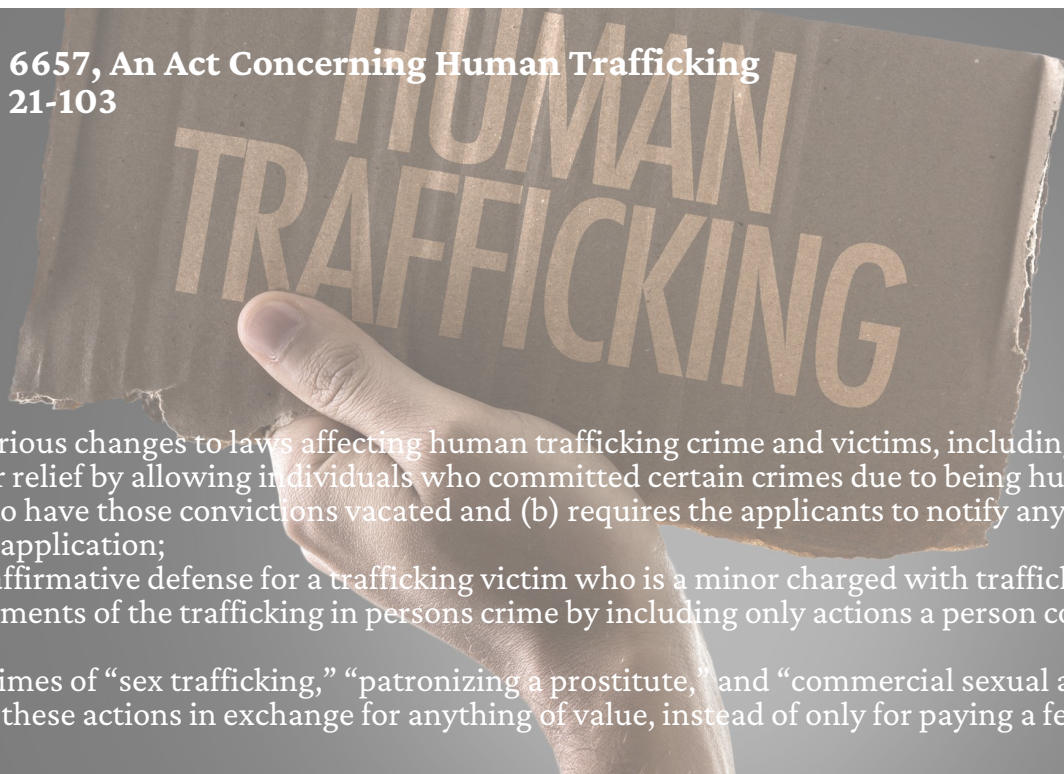
### **House Bill No. 6594, An Act Concerning The Criminal Justice Process. Public Act No. 21-102**

The act makes various changes in laws related to the criminal justice process, including:

- Increases the penalty for electronic stalking and broadens the definition of the crime;
- Specifies what is considered "harm" for distributing intimate images; prohibits dissemination when the other person is not identifiable but there is other identifying information included; and increases the penalty when dissemination is to more than one person over certain electronic platforms;
- Allows defendants sentenced to any period of incarceration after a jury trial to file for a sentence modification without the agreement of the state's attorney;
- Allows defendants sentenced to less than 7 years pursuant to a plea agreement to file for a sentence modification without the agreement of the state's attorney. If the sentence is greater than 7 years, the defendant must get the agreement of the state's attorney; and
- Allows defendants denied a sentence modification or release, to refile every 5 years.



### **House Bill No. 6657, An Act Concerning Human Trafficking Public Act No. 21-103**



The act makes various changes to laws affecting human trafficking crime and victims, including:

- Extends vacatur relief by allowing individuals who committed certain crimes due to being human trafficking victims to apply to have those convictions vacated and (b) requires the applicants to notify any victim of the crimes about the application;
- Establishes an affirmative defense for a trafficking victim who is a minor charged with trafficking in persons;
- Narrows the elements of the trafficking in persons crime by including only actions a person commits knowingly; and
- Broadens the crimes of "sex trafficking," "patronizing a prostitute," and "commercial sexual abuse of a minor" to include taking these actions in exchange for anything of value, instead of only for paying a fee.

# House Bill No. 6667

## An Act Concerning The Recommendations Of The Juvenile Justice Policy And Oversight Committee.

### Public Act No. 21-174

The act makes several changes affecting juvenile justice matters, including:

- The Department of Children and Families (DCF) to create and implement a plan for an educational unit to improve educational and vocational outcomes for children who are incarcerated or in a juvenile justice facility;
- The State Department of Education (SDE), by August 1, 2021, to assemble a list of people who may serve as reentry coordinators to help obtain child records;
- Local or regional boards of education to award diplomas to students educated at the DCF education unit and who meet certain requirements;
- The SDE and DCF commissioners to develop a system to standardize the conversion of transferred credits;
- The transfer of student education records to occur within five days after receiving notice that a child transferred from education by DCF's education unit to a new school or state charter school, or vice versa;
- Raises the age of children subject to juvenile court delinquency jurisdiction from age seven to age 10;
- Requires CSSD to provide written notice to the child upon discharge or the child's parents or guardians on the erasure of a child's police and court records, if certain conditions are met;
- Requires the judicial branch to develop an implementation plan to securely house in its custody anyone under age 18 who is arrested and detained prior to sentencing or disposition; and
- Generally allows information obtained about a child during a detention screening or assessment to be disclosed to CSSD.
- Establishes committees to study the (1) effects of, and possible alternatives to, student suspensions and expulsions and (2) telephone call rates and commissary needs of 18 to 21-year-olds incarcerated in DOC facilities. It also requires a team to develop plans for mandatory pre-arrest diversion of low-risk children.
- Removes a provision that generally prohibits the use of chemical agents on youths (under age 18) in the DOC and DCF commissioner's custody and instead requires the DOC commissioner to review and report on the department's use of chemical agents on youth's in DOC custody or housed in a facility the department operates.



(860) 550-6632

[www.ct.gov/ova](http://www.ct.gov/ova)

505 Hudson Street, Hartford, CT 06106