



2014 LEGISLATIVE SUMMARY

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**2014 LEGISLATIVE SESSION
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AN CONCERNING THE PRETRIAL ALCOHOL EDUCATION PROGRAM

The act requires any defendant who is making an application for the pretrial alcohol education program as a result of a drunk driving arrest to provide notice to each victim who sustained a serious physical injury as a result of the defendant's alleged violation. Additionally, prior to the court granting an application, the court shall permit each victim to address the court regarding the defendant's application.

Effective date – October 1, 2014

AN ACT CONCERNING PERSISTENT OFFENDERS

The act adds conviction of a standing criminal protective order to the list of crimes that may subject a defendant to be treated as a "persistent offender."

Effective date – October 1, 2014 and applicable to convictions entered on or after said date

AN ACT CONCERNING SEXUAL ASSAULT, STALKING AND INTIMATE PARTNER VIOLENCE ON CAMPUS

1. The act requires each institution of higher education to include in its annual Uniform Campus Crime Report (UCR) reports of stalking under sections 53a-181c, 53a-181d and 53a-181e and family violence as designated under section 46b-38h of the CT General Statutes.
2. The bill expands the scope of the policies and prevention and awareness programming by requiring for-profit institutions of higher education to comply with them and applying them to stalking and institution's employees.
3. The bill requires all institutions to immediately provide concise written notification to each victim, after a reported incident, regarding the victim's rights and options under the institution's policy or policies.
4. The bill allows all institutions to permit anonymous reporting by victims.
5. The bill requires all higher education institutions to report, annually to the Higher Education Committee, their policies, prevention and awareness programming and campaigns and the number of incidents and disciplinary cases involving sexual assault, stalking, and intimate partner violence.
6. The bill requires all higher education institutions to establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims.
7. The bill establishes the membership of the teams; education requirements for the team; education requirements for the Title IX coordinator and special police force, campus police force or campus safety personnel and training requirements for members of the state or local police who respond to campus incidents.
8. The bill requires all higher education institutions to enter into a memorandum of understanding with at least one community-based sexual crisis service center and one community-based domestic violence agency.

Effective date – July 1, 2014

AN ACT CONCERNING CROSS REPORTING OF CHILD ABUSE AND ANIMAL CRUELTY

The bill requires any animal control officer who has reasonable cause to suspect that an animal has been harmed, neglected or treated cruelly, to make a written report to the Commissioner of Agriculture, not later than 48 hours. Current law provides that the reports are then sent monthly to the Commissioner of the Department of Children and Families (DCF). The bill requires the Commissioner of DCF, not later than one week after receiving the report, to determine if any address provided in the report has an open child protective services case and the department is currently providing services to a child or family at the same address. If the Commissioner determines there is an open investigation, the written report shall be provided to the social worker in the department's record on the child. If an employee of the DCF suspects that an animal is being or has been harmed, neglected or treated cruelly, the employee shall make a written report to the Commissioner of Agriculture. The Commissioners of DCF and Agriculture shall report to the General Assembly the number of written reports.

Effective date – October 1, 2014

AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES AND THE PROTECTION OF CHILDREN

1. The bill allows the Department of Children and Families (DCF) and the Department of Social Services to disclose the name of any individual who reports suspected abuse or neglect of a child or the records of a person who is subject of the record, without the person's consent to;
 - a. a law enforcement officer or state's attorney for purposes of an allegation that the individual falsely reported the suspected abuse or neglect of a child;
 - b. the state's attorney or law enforcement for purposes of investigating or prosecuting an allegation that an individual made a false report of suspected child abuse or neglect;
 - c. the Department of Public Health (DPH) for purposes of notifying the DPH when the DCF places an individual licensed or certified by the DPH on the child abuse and neglect registry or notifying the DPH when the DCF possesses information regarding a DPH regulatory violation by an individual licensed or certified by the DPH;
 - d. the superintendent of a public school district when the DCF places an individual employed by such institution on the child abuse and neglect registry;
 - e. the Court Support Services Division for the purpose of sharing common case records to track recidivism of juvenile offenders;
 - f. the birth-to-three program's referral intake office for the purpose of determining eligibility of, facilitating enrollment for, and providing services to, substantiated victims of child abuse and neglect with suspected developmental delays and newborns impacted by withdrawal symptoms resulting from prenatal drug exposure;
 - g. a law enforcement officer or state's attorney if there is reasonable cause to believe that an employee of the department is being threatened or harassed or has been assaulted by a client or coworker.
2. The bill expands the actions DCF can take to help children it identifies or believes are victims of trafficking to include providing services, forming multidisciplinary teams to review trafficking cases and providing training to law enforcement officers about trafficking.
3. The bill expands the mandated reporter list.

4. The bill requires the superintendent of a school to suspend a school employee who the DCF has reasonable cause to believe that a child has been abused or neglected by the school employee, and upon the results of the investigation, the DCF recommends such school employee be placed on the child abuse and neglect registry.
5. The bill requires the Commissioner of DCF to notify an employer of a public or private institution or facility that provides care for children or a private school of the results of an investigation of an employee that is suspected of abuse or neglect of a child.

Effective date – October 1, 2014

AN ACT CONCERNING CHILD PORNOGRAPHY

1. The bill expands the range of visual depictions that constitute the crimes of child pornography to include a series of images in electronic, digital or other format, which is intended to be displayed continuously.
2. The bill also excludes possession of a series of images in electronic, digital or other format from the availability of an affirmative defense in a prosecution for child pornography.
3. The bill requires the Department of Emergency Services and Public Protection to notify the chief executive officer of the municipality when a registrant on the sex offender registry is released into the community.

Effective date – Sections 1-5: October 1, 2014; Section 6: July 1, 2014

AN ACT CONCERNING SCHOOL SAFETY

1. The bill requires the Department of Emergency Services and Public Protection (DESPP) to conduct a study of the feasibility of establishing a student safety hotline. A report on its findings is due not later than January 1, 2015 to the General Assembly.
2. The bill requires each local and regional board of education that has not had a safe school climate plan, previously reviewed and approved by the Department of Education, to submit such plan by September 1, 2014.
3. The bill requires the Department of Education (DOE) to review and approve each safe school climate plan submitted to it within 30 days of receipt of the plan. If the DOE rejects a plan, the DOE shall provide a rejection notice and the reasons for the rejection to the local or regional board of education. Not later than 30 days from receipt of the rejection, the local or regional board of education must resubmit a new plan for review and approval. If the DOE again rejects the plan, the DOE shall provide notice of the rejection within 30 days and the local or regional board of education must, within 30 days, adopt an appropriate model safe school climate plan, developed and recommended by the DOE.
4. The bill modifies the method of assessing the school climate to include surveys of students that contain uniform grade-level appropriate questions and allow students to complete and submit the assessment and survey anonymously.
5. The bill requires the DOE to include analysis of the student responses in its yearly report to the General Assembly.

Effective date – From passage

AN ACT CONCERNING REVISION TO VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE SYSTEM

1. The bill clarifies that harassment first degree may be reported to the law enforcement agency where the harassing communication originated or at the place where it was received.
2. The bill permits a defendant to utilize the Pretrial Accelerated Rehabilitation Program (A/R) a second time, if the charges the defendant used A/R the first time were a misdemeanor offense or motor vehicle violation and ten years has passed since the charges were dismissed in the first A/R. No defendant shall be permitted to use A/R more than two times.
3. The bill makes other substantive changes regarding forfeiture of property; search and arrest warrant process; penalties for certain criminal offenses; and Eyewitness Identification Task Force.

Effective date – October 1, 2014

AN ACT CONCERNING THE TIME LIMITATION FOR PROSECUTING A MOTOR VEHICLE VIOLATION OR OFFENSE THAT RESULTS IN THE DEATH OF ANOTHER PERSON

The bill eliminates the statute of limitations for prosecuting a motor vehicle violation or offense that results in the death of another person and involves evading responsibility.

Effective date – October 1, 2014

AN ACT CONCERNING SEXUAL ASSAULT AND DOMESTIC VIOLENCE

1. The bill defines teen dating violence and requires each local and regional board of education to include teen dating violence in the school's development and implementation of the safe school climate plan to address the response, prevention, awareness, training and reporting of incidents involving teen dating violence.
2. The bill expands the authority of the court to issue a standing criminal protective order in any case where the court finds that the history and character and the nature and circumstances of the criminal conduct indicate that a standing criminal protective order will best serve the interest of the victim.
3. The bill provides for a 2 year mandatory minimum sentence for persons convicted of sexual assault in a spousal/cohabitor relationship.
4. The bill allows the Judicial Department to consult with organizations that advocate on behalf of victims of domestic violence in order to ensure that the training programs for judges, Court Support Services Division personnel, guardians ad litem and clerks includes information on the unique characteristics of family violence crimes.
5. Creates a new crime, an A misdemeanor, that prohibits any person from maliciously publishing, disseminating or otherwise disclosing the confidential location of an emergency shelter operated by a domestic violence agency.

Effective date – October 1, 2014, except that Section 8 (Issuance of the Standing Criminal Protective Order) is in effect January 1, 2015.

AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL

The bill requires the Police Officer Standards and Training Council to develop and implement a written policy concerning the acceptance, processing and investigation of a complaint from a member of the public relating to the alleged misconduct committed by law enforcement agency personnel. Further, the bill requires each law enforcement agency in the state to adopt such policy or develop and implement an alternative policy that exceeds the standards of the policy developed by the council.

Effective date – July 1, 2014

AN ACT CONCERNING SENIOR SAFETY ZONES

The bill establishes a task force to study the establishment of senior safety zones to protect senior citizens from sex offenders who are required to register as sex offenders. The task force is required to submit a report to the Committees on Judiciary and Aging of the General Assembly by January 1, 2015. The task force terminates on the date the report is submitted.

Effective date – From passage

AN ACT CONCERNING A STATEWIDE SEXUAL ABUSE AND ASSAULT AWARENESS PROGRAM

The bill requires the Department of Children and Families, in collaboration with the Department of Education and the Connecticut Sexual Assault Crisis Services, Inc., to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by local and regional boards of education, not later than July 1, 2015.

Effective date – July 1, 2014

AN ACT CONCERNING ASSAULT THAT RESULTS IN THE LOSS OF CONSCIOUSNESS

The bill amends the crime of assault in the second degree to include incidents where an individual is struck on the head, at no provocation by such person, and rendered unconscious and injured. The bill addresses a widely concerning problem throughout the country known as the “knock-out game.” The bill also prohibits any person charged with this offense from applying for the pretrial accelerated rehabilitation program.

Effective date – October 1, 2014

AN ACT CONCERNING NOTICE TO THE SUPERINTENDENT OF SCHOOLS OR CHIEF EXECUTIVE OFFICER OF A MUNICIPALITY UPON RELEASE OR RELOCATION OF A REGISTERED SEXUAL OFFENDER INTO THE SCHOOL DISTRICT OR MUNICIPALITY

The bill requires the Department of Emergency Services and Public Protection to notify, by electronic mail, the superintendent of schools and the chief executive officer of a municipality when a registered sex offender is released into a school district or community or has moved into the respective school district or community.

Effective date – July 1, 2014

AN ACT CONCERNING IGNITION INTERLOCK DEVICES

The bill modifies the periods of time that a license is suspended if a person is arrested for a drunk/drug driving offense. Rather than an elongated period of license suspension, an operator instead will be required to have an ignition interlock device installed and maintained on all vehicles owned or operated by the person for extended periods of time, based on the number of convictions. All costs of installing and maintaining an ignition interlock device are the responsibility of the person required to install such device and such fees or costs may not be waived by the court.

Effective date – July 1, 2015

AN ACT IMPLEMENTING PROVISIONS OF THE STATE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2015

Section 120:

The bill allows the court to issue orders to the respondent of an ex-parte restraining order to maintain the safety and basic needs of an applicant of a restraining order, if the respondent and applicant are spouses; have a minor child in common; or live together. Such orders may include an order prohibiting the respondent from taking any action that could result in the termination of any necessary utility service related to the family dwelling of the applicant; transferring, concealing or disposing of specified property owned or leased by the applicant; an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health or automobile or homeowners insurance. A full list of provisions are contained in the bill.

The court may, at the hearing on the ex-parte restraining order, enter orders stated above and in addition may order the respondent to make rent or mortgage payments on the family dwelling; maintain existing health, auto or homeowners insurance; provide financial support for the benefit of a dependent child. Any order shall expire 120 days after the date of issuance.

Effective date – January 1, 2015

Section 121:

The bill establishes a task force to study service of restraining orders. The task force shall submit its finding and recommendations to the Judiciary Committee of the General Assembly not later than December 15, 2014. The task force terminates on the date of its report being submitted.

Effective date – From passage

Sections 122 – 125:

The bill enhances the penalty for violation of a protective order, criminal violation of restraining order and violation of a standing criminal protective order to a C felony if the violation involves imposing any restraint upon the person or liberty of a person or threatening, harassing, assaulting, molesting, sexually assaulting or attacking a person in violation of the order.

Effective date – January 1, 2015

Section 186:

The bill authorizes any victim of sexual abuse, sexual assault or stalking to make an application for a restraining order. The order will be called a “civil protection order.”

Effective date – January 1, 2015

Section 187:

The bill establishes the penalty for violation of a civil protection order as a D felony.

Effective date – January 1, 2015

Section 190:

The bill requires the Judicial Branch to pay the cost of serving a civil protection order.

Effective date – January 1, 2015

Section 191:

The bill requires the Chief Court Administrator to permit one or more family violence victim advocates to provide services to victims of domestic violence in the Family Division of the Superior Court in one or more judicial districts in the state.

Effective date – January 1, 2015