



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

State of Connecticut

OFFICE OF THE VICTIM ADVOCATE

**2014 Legislative Proposals
to the General Assembly**

February 2014

Contents

*Respectfully Submitted for the Consideration of
the Joint Committee on Judiciary*

[Raised Senate Bill No. 261](#), An Act Concerning the Inheritance Rights of a Beneficiary or Survivor Who is Found Not Guilty of Murder or Manslaughter of the Deceased By Reason of Mental Disease or Defect

[Raised Senate Bill No. 262](#), An Act Concerning Applications for the Pretrial Alcohol Education Program

[Raised House Bill No. 5341](#), An Act Concerning the Designation of a Person Convicted of Criminal Violation of a Standing Criminal Protective Order as a Persistent Offender



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

RAISED SENATE BILL NO. 261,

AN ACT CONCERNING THE INHERITANCE RIGHTS OF A BENEFICIARY OR SURVIVOR WHO IS FOUND NOT GUILTY OF MURDER OR MANSLAUGHTER OF THE DECEASED BY REASON OF MENTAL DISEASE OR DEFECT

****PLEASE SUPPORT THE OVA'S EFFORTS TO PREVENT UNJUST ENRICHMENT TO CERTAIN CRIMINALS****

What will the proposal do?

The proposal would prohibit a person, who is found **not guilty by reason of mental disease or defect** of causing the death of a decedent, from benefitting from the estate of the decedent or from the decedent's life insurance policy or annuity.

Why is the proposal needed?

Connecticut's "slayer" statute currently prevents a person from inheriting from the decedent's estate when that person is found guilty of murder or manslaughter 1st of the decedent. However, CT law **does not** prevent a person from such inheritance if the person is acquitted of murder or manslaughter 1st **by reason of mental disease or defect**. The issue was highlighted in 2012, when it was reported that David Messenger, found not guilty by reason of mental disease or defect in the killing of his pregnant wife, stood to inherit over \$400,000 from his deceased wife's estate. The proposal will close the loophole to ensure that certain offenders are not unjustly enriched with the killing of another. Additionally, current statute only includes the offenses of murder and manslaughter 1st; in an attempt to capture those heinous charges that result in a deceased individual, **the OVA recommends inclusion of the manslaughter 2nd (C.G.S. § 53a-56) and manslaughter 2nd with a firearm (C.G.S. § 53a-56a) offenses to the list.**

Who will the proposal help?

The proposal would prohibit any person convicted or found **not guilty by reason of mental disease or defect**, in the reckless or intentional killing of another person from financially benefitting from the death, thereby sparing the surviving family from further victimization.

There is no fiscal impact associated with the proposal.



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

RAISED SENATE BILL NO. 262,

AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM

PLEASE SUPPORT THE OVA'S EFFORT TO ENSURE THAT VICTIMS WHO SUSTAIN SERIOUS PHYSICAL INJURY REMAIN INFORMED

What will the proposal do?

The proposal would require any defendant making an application for the pretrial alcohol education program to provide notice to any victim(s), if any, who have sustained serious physical injury as a result of the crime committed by the defendant.

Why is the proposal needed?

The pretrial alcohol education program (AEP) is a diversionary program which may be utilized by those individuals who are arrested for driving a motor vehicle or a boat while under the influence of alcohol. Currently, the statute requires that **good cause** be shown in order for a defendant to be eligible for the program **when the defendant's crime caused serious physical injury of another person, as defined in section 53a-3**. However, there is no requirement that the victim(s), if any, be notified of the defendant's application. To ensure that the court is in possession of all necessary information while making a finding of good cause prior to acting on a defendant's application, the defendant should also be required to notify the victim(s), if any, of the application.

Who will the proposal help?

Victims of crime in Connecticut have a constitutional right to be informed and to receive restitution from the offender, among other rights. The proposal will advance the rights of those crime victims, who have sustained serious physical injury as a result of a drunk driver, by providing notice of the defendant's application so that the crime victim then has an opportunity to provide information to the court regarding the nature and status of the injuries sustained.

Similarly, when a criminal defendant makes an application for the Accelerated Pretrial Rehabilitation Program (A/R) (C.G.S. § 54-56e), notice is required and afforded to the victim of the offense. As proposed, and consistent with the notice provision of A/R, the cost associated with the notice would fall upon the defendant.



GARVIN G. AMBROSE, ESQ.
State Victim Advocate

RAISED HOUSE BILL NO. 5341,
AN ACT CONCERNING THE DESIGNATION OF A PERSON CONVICTED OF CRIMINAL VIOLATION OF A STANDING CRIMINAL PROTECTIVE ORDER AS A PERSISTENT OFFENDER

PLEASE SUPPORT THE OVA'S PROPOSAL TO HOLD PERSISTENT OFFENDERS ACCOUNTABLE

What will the proposal do?

The proposal will correct an oversight in the current persistent offender statutes concerning offenders convicted of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order, or criminal violation of a restraining order.

Why is the proposal needed?

Although, C.G.S. § 53a-40d includes the crimes of *criminal violation of a protective order* and *criminal violation of a restraining order*, currently the statute ***does not*** include the crime of ***criminal violation of a standing criminal protective order***. This order of protection is issued upon conviction of a family violence crime and as such, should be included to ensure that offenders who consistently violate court orders, beyond conviction, are held accountable.

Who will the proposal help?

The criminal court, at the time of sentencing, may issue a standing criminal protective order on behalf of the victim to afford the victim protection beyond the life of the criminal matter. Such orders are limited and may only be issued in cases involving a conviction for certain offenses against a family or household member, as defined in section 46b-38a.

There is no fiscal impact associated with the proposal.