



General Assembly

Amendment

January Session, 2023

LCO No. 8477



Offered by:

SEN. WINFIELD, 10th Dist.

SEN. FLEXER, 29th Dist.

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To: Subst. Senate Bill No. 1118

File No. 644

Cal. No. 371

"AN ACT CONCERNING A STUDY OF THE CONSOLIDATION OF THE FAMILY VIOLENCE MODEL POLICY GOVERNING COUNCIL AND THE DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS ADVISORY COUNCIL."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 46b-38j of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2023*):

5 (a) There is established a Family [Violence Model Policy Governing
6 Council] Domestic Violence Criminal Justice Response and
7 Enhancement Advisory Council for the purpose of evaluating and
8 advising on the following matters, including, but not limited to: (1)
9 [evaluating policies] Policies and procedures used by law enforcement
10 agencies when responding to incidents of family violence, [and
11 violations of restraining orders and protective orders, (2)] including

12 reviewing and updating the model law enforcement policy on family
13 violence for the state established in section 46b-38b, as amended by this
14 act, [and (3) evaluating] (2) the accuracy of data collected by the
15 Department of Emergency Services and Public Protection under section
16 46b-38d, and the Court Support Services Division under section 46b-38f,
17 and collecting and analyzing any additional data related to domestic
18 violence and the criminal justice response available from Judicial Branch
19 court operations, state's attorneys, public defenders, domestic violence
20 advocates, or domestic violence offender programs; (3) the domestic
21 violence offender program standards established in section 46b-38m, as
22 amended by this act, including reviewing and updating such standards
23 as needed; (4) the pretrial family violence education program
24 established in section 46b-38c, including eligibility criteria for such
25 program; (5) dedicated domestic violence dockets established in section
26 51-181e, including state-wide expansion of such dockets; (6) the use of
27 electronic monitoring as provided in section 46b-38c; (7) risk
28 assessments used throughout a family violence case from arrest through
29 adjudication; (8) arrest, prosecution, penalties and monitoring for
30 violations of family violence restraining orders issued pursuant to
31 section 46b-15 or criminal protective orders issued pursuant to section
32 46b-38c, 54-1k or 54-82r issued in family violence cases; (9) processing
33 and execution of arrest warrants for incidents of family violence; (10)
34 monitoring compliance, enforcement and victim notification of firearm
35 seizure and surrender in family violence cases; (11) programming
36 offered to individuals convicted of a family violence crime and currently
37 incarcerated with the Department of Correction; and (12) training and
38 education for criminal justice stakeholders including, but not limited to,
39 training established pursuant to sections 46b-38b, as amended by this
40 act, 46b-38c and 46b-38i.

41 (b) The council shall consist of the following members:

42 (1) One appointed by the speaker of the House of Representatives;

43 (2) One appointed by the president pro tempore of the Senate;

44 (3) One [municipal police officer with experience in domestic
45 violence training,] appointed by the majority leader of the House of
46 Representatives, who shall be a municipal police officer with experience
47 in domestic violence training;

48 (4) One [victim of domestic violence,] appointed by the majority
49 leader of the Senate, who shall be a representative of a community-
50 based organization that provides group counseling or treatment to
51 persons who have committed acts of domestic violence;

52 (5) One appointed by the minority leader of the House of
53 Representatives;

54 (6) One appointed by the minority leader of the Senate;

55 (7) One appointed by the Governor;

56 (8) [One representative] The chairperson of the Police Officer
57 Standards and Training Council, [with experience in domestic violence
58 training, appointed by the chairperson of the council] or the
59 chairperson's designee;

60 (9) [One representative of the Office of the Chief State's Attorney,
61 appointed by the] The Chief State's Attorney, or the Chief State's
62 Attorney's designee;

63 (10) [One representative of the Office of the Chief Public Defender,
64 appointed by the] The Chief Public Defender, or the Chief Public
65 Defender's designee;

66 (11) [One representative of the Office of the Victim Advocate,
67 appointed by the] The Victim Advocate, or the Victim Advocate's
68 designee;

69 (12) [One representative of the Division of State Police with
70 experience in domestic violence training, and one commanding officer
71 in the Division of State Police, each] Two appointed by the
72 Commissioner of Emergency Services and Public Protection, one of

73 whom shall be a representative of the Division of State Police with
74 experience in domestic violence training and one of whom shall be
75 commanding officer in the Division of State Police;

76 (13) [One judge of the Superior Court assigned to hear criminal
77 matters,] Four appointed by the Chief Court Administrator, one of
78 whom shall be a judge of the Superior Court assigned to hear criminal
79 matters, one of whom shall be a family relations counselor or supervisor
80 within the Court Support Services Division of the Judicial Branch, one
81 of whom shall be an administrator within the Court Support Services
82 Division of the Judicial Branch and one of whom shall be an
83 administrator of the Office of Victim Services within the Judicial Branch;

84 (14) [One victim of domestic violence, one victim advocate with
85 courtroom experience in domestic violence matters and one
86 representative of the Connecticut Coalition Against Domestic Violence,
87 Inc., each appointed by the executive director of the Connecticut
88 Coalition Against Domestic Violence, Inc.] Four appointed by the chief
89 executive officer of the Connecticut Coalition Against Domestic
90 Violence, Inc., one of whom shall be a victim of domestic violence, one
91 of whom shall be a victim advocate with courtroom experience in
92 domestic violence matters, one of whom shall be an executive director
93 of a community-based organization that provides direct services to
94 persons impacted by domestic violence and one of whom shall be a
95 representative of the Connecticut Coalition Against Domestic Violence,
96 Inc.;

97 [(15) One representative of the legal aid programs in Connecticut,
98 appointed by the executive director of the Legal Assistance Resource
99 Center of Connecticut; and]

100 [(16)] (15) One representative of the Connecticut Police Chiefs
101 Association, appointed by the president of the association;

102 (16) The Secretary of the Office of Policy and Management, or the
103 secretary's designee;

104 (17) The chairperson of the Board of Pardons and Paroles, or the
105 chairperson's designee;

106 (18) The Commissioner of Emergency Services and Public Protection,
107 or the commissioner's designee; and

108 (19) The Commissioner of Correction, or the commissioner's
109 designee.

110 (c) Any member of the council appointed under subdivision (1), (2),
111 (5) or (6) of subsection (b) of this section may be a member of the General
112 Assembly.

113 (d) All members of said council shall be appointed on or before July
114 1, 2012, and quadrennially thereafter, to serve for a term of four years.
115 Any member may be reappointed, and any member may continue to
116 serve until such member's successor is appointed and qualified. Any
117 vacancy shall be filled by the appointing authority.

118 (e) The members of the council shall select two chairpersons of the
119 council from among the members of the council. Said chairpersons shall
120 [schedule the first meeting of the council, which shall be held not later
121 than sixty days after June 8, 2012] be responsible for scheduling the
122 meetings of the council.

123 (f) The administrative staff of the joint standing committee of the
124 General Assembly having cognizance of matters relating to [public
125 safety] the judiciary shall serve as administrative staff of the council.

126 (g) Not later than January 15, 2013, and annually thereafter, the
127 council shall submit a report in accordance with section 11-4a to the joint
128 standing committees of the General Assembly having cognizance of
129 matters relating to the judiciary and public safety. [regarding the
130 effectiveness of the model law enforcement policy on family violence for
131 the state established in section 46b-38b and identifying any amendments
132 to such model policy adopted during the prior calendar year] The report
133 shall include any recommendations for statutory or policy changes

134 within the purview of the council, including any recommended updates
135 or amendments to the model law enforcement policy on family violence
136 for the state, established in section 46b-38b, as amended by this act, or
137 the domestic violence offender program standards, established in
138 section 46b-38m, as amended by this act.

139 Sec. 2. Section 46b-38m of the general statutes is repealed and the
140 following is substituted in lieu thereof (*Effective July 1, 2023*):

141 [Not later than thirty days after June 30, 2015, the Criminal Justice
142 Policy Advisory Committee shall submit to the Chief Court
143 Administrator the domestic violence offender program standards that
144 were presented to said committee on September 25, 2014.] The Chief
145 Court Administrator shall ensure that [such] the domestic violence
146 offender program standards, and any updates or revisions [thereto]
147 such standards provided to the Chief Court Administrator by the
148 [Domestic Violence Offender Program Standards Advisory Council]
149 Domestic Violence Criminal Justice Response and Enhancement
150 Advisory Council, are accessible electronically on the Internet web site
151 of the Judicial Branch.

152 Sec. 3. Subdivision (2) of subsection (g) of section 46b-38b of the
153 general statutes is repealed and the following is substituted in lieu
154 thereof (*Effective July 1, 2023*):

155 (2) There is established a model law enforcement policy on family
156 violence for the state. Such policy shall consist of the model policy
157 submitted by the task force established in section 19 of public act 11-152
158 on January 31, 2012, to the joint standing committee of the General
159 Assembly having cognizance of matters relating to the judiciary, as
160 amended from time to time by the [Family Violence Model Policy
161 Governing Council] Domestic Violence Criminal Justice Response and
162 Enhancement Advisory Council established pursuant to section 46b-38j,
163 as amended by this act.

164 Sec. 4. Section 2 of substitute senate bill 5 of the current session, as
165 amended by Senate Amendment Schedule "A", is repealed and the

166 following is substituted in lieu thereof (*Effective October 1, 2023*):

167 (a) Notwithstanding the provisions of sections 46b-82, 46b-83 and
168 46b-86 of the general statutes, no court may enter an order of payment
169 of temporary or permanent alimony from an injured spouse to a spouse
170 who, at any time after the date of marriage, is convicted of: (1) Criminal
171 attempt to commit murder of the other spouse, under section 53a-49 of
172 the general statutes and sections 53a-54a to 53a-54d, inclusive, of the
173 general statutes; (2) conspiracy to commit murder of the other spouse,
174 under section 53a-48 of the general statutes and sections 53a-54a to 53a-
175 54d, inclusive, of the general statutes; (3) a class A or B felony sexual
176 assault of the other spouse, under section 53a-70, 53a-70a, 53a-71 or 53a-
177 72b of the general statutes; (4) a class A or B felony family violence crime
178 as defined in section 46b-38a of the general statutes; or (5) any crime in
179 another state, the essential elements of which are substantially the same
180 as the crimes enumerated in subdivisions (1) to (4), inclusive, of this
181 subsection.

182 (b) The existence of any conviction for a crime set forth in subsection
183 (a) of this section shall preclude a court from ordering an award of
184 attorney's fees from an injured spouse to a spouse convicted of such
185 crime.

186 (c) Any order of temporary or permanent alimony entered by a court
187 from an injured spouse to a spouse subsequently convicted of a crime
188 set forth in subsection (a) of this section against the injured spouse shall
189 be terminated by the court upon a motion to terminate alimony based
190 upon the conviction filed by the injured spouse.

191 [(c)] (d) As used in this section, "injured spouse" means the spouse
192 who has been the victim of a crime set forth in subsection (a) of this
193 section, irrespective of whether physical injury occurred in the
194 commission of such crime.

195 Sec. 5. Section 46b-38l of the general statutes is repealed. (*Effective July*
196 *1, 2023*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46b-38j
Sec. 2	<i>July 1, 2023</i>	46b-38m
Sec. 3	<i>July 1, 2023</i>	46b-38b(g)(2)
Sec. 4	<i>October 1, 2023</i>	SB 5 (current session), Sec. 2
Sec. 5	<i>July 1, 2023</i>	Repealer section