



PA 23-136—sSB 1118

Judiciary Committee

AN ACT CONCERNING THE ESTABLISHMENT AND DUTIES OF THE DOMESTIC VIOLENCE CRIMINAL JUSTICE RESPONSE AND ENHANCEMENT ADVISORY COUNCIL

SUMMARY: This act (1) changes the name of the “Family Violence Model Policy Governing Council” to the “Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council”; (2) increases its membership from 19 to 26 members; and (3) expands the scope of its purpose and responsibilities, including by incorporating those of the Domestic Violence Offender Program Standards Advisory Council, which the act repeals.

Separately, the act requires the court, upon the motion of an injured spouse, to terminate any orders it entered requiring the injured spouse to make alimony payments if the recipient-spouse is subsequently convicted of certain crimes against the injured spouse. (It does this by amending PA 23-106, § 2.)

The act also deletes obsolete provisions and makes technical and conforming changes (§§ 2 & 3).

EFFECTIVE DATE: July 1, 2023, except the provision on alimony awards is effective October 1, 2023.

§ 1 — FAMILY DOMESTIC VIOLENCE CRIMINAL JUSTICE RESPONSE AND ENHANCEMENT ADVISORY COUNCIL

The act renames the “Family Violence Model Policy Governing Council” as the “Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council” (the “council”), increases its membership, and broadens the scope of its purpose and responsibilities.

Purpose and Responsibilities

Existing law charges the council with the following duties:

1. evaluating policies and procedures law enforcement agencies use when responding to family violence incidents,
2. reviewing and updating the statewide model law enforcement policy on family violence, and
3. evaluating the accuracy of data collected by the Department of Emergency Services and Public Protection (DESPP) and the judicial branch’s Court Support Services Division (CSSD).

The act broadens the council’s purpose and responsibilities by, among other things, requiring it to collect and analyze any additional data related to domestic violence and the criminal justice response available from the judicial branch court

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operations, state's attorneys, public defenders, domestic violence advocates, or domestic violence offender programs.

Additionally, the act requires the council to evaluate and advise on the following:

1. the existing domestic violence offender program standards, including reviewing and updating them as needed;
2. the pretrial family violence education program, including the program's eligibility criteria;
3. dedicated domestic violence dockets, including statewide expansion of them;
4. the use of electronic monitoring;
5. risk assessments used in a family violence case from arrest through adjudication;
6. arrest, prosecution, penalties, and monitoring for violations of family violence restraining orders or criminal protective orders issued in family violence cases;
7. processing and execution of arrest warrants for family violence incidents;
8. monitoring compliance, enforcement, and victim notification of firearm seizure and surrender in family violence cases;
9. programming offered to individuals convicted of a family violence crime and currently incarcerated with the Department of Correction (DOC); and
10. training and education for criminal justice stakeholders, including law enforcement, judges, and judicial branch staff.

Membership and Appointments

The act increases the council's membership from 19 to 26. Under prior law, the council's 19 members were appointed as follows:

1. one each by the governor, Senate president pro tempore, House speaker, and Senate and House minority leaders;
2. a domestic violence victim, appointed by the Senate majority leader;
3. a municipal police officer with experience in domestic violence training, appointed by the House majority leader;
4. a Police Officer Standards and Training Council (POST) representative with experience in domestic violence training, appointed by the council's chairperson;
5. a representative of the Office of the (a) Chief State's Attorney, (b) Chief Public Defender, and (c) Victim Advocate;
6. a Division of State Police representative with experience in domestic violence training and a commanding officer in the Division of State Police, each appointed by the DESPP commissioner;
7. a Superior Court judge assigned to hear criminal matters, appointed by the chief court administrator;
8. a domestic violence victim, a victim advocate with courtroom experience in domestic violence matters, and a representative of the Connecticut Coalition Against Domestic Violence, Inc. (CCADV), each appointed by the CCADV

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executive director;

9. a representative of legal aid programs in Connecticut, appointed by the executive director of the Legal Assistance Resource Center of Connecticut; and
10. a representative of the Connecticut Police Chiefs Association, appointed by the association's president.

In addition to increasing the council's membership, the act makes the following changes to its composition:

1. substitutes the Senate majority leader's appointment with a representative of a community-based organization that provides group counseling or treatment to domestic violence perpetrators;
2. adds the Office of Policy and Management secretary, the Board of Pardons and Paroles chairperson, and the DESPP and DOC commissioners, or their designees;
3. instead of their representatives, adds the POST chairperson, the chief public defender, the chief state's attorney, and the victim advocate or their designees;
4. increases the chief court administrator's appointments from one to four by adding (a) a CSSD family relations counselor or supervisor, (b) a CSSD administrator, and (c) an administrator from the Office of Victim Services;
5. increases the CCADV executive director's appointments from three to four by adding an executive director of a community-based organization that provides direct services to people impacted by domestic violence; and
6. removes the representative of legal aid programs in Connecticut.

Under existing law, unchanged by the act, members serve four-year terms, may be reappointed, and must continue to serve until successors are appointed and qualified. By law, legislators may serve as council members.

Meetings and Staff

The act specifies that the council's chairpersons are responsible for scheduling its meetings.

Under prior law, the Public Safety and Security Committee's administrative staff served as the council's administrative staff. The act requires the Judiciary Committee's administrative staff to do so instead.

Reporting

Prior law required the council to submit an annual report by January 15 to the Judiciary and Public Safety and Security committees on the effectiveness of the existing model law enforcement policy on family violence, including identifying any amendments to the policy adopted during the prior calendar year.

The act instead requires the report to include recommendations for any statutory or policy changes within the council's purview, including any recommended updates or amendments to the existing (1) model law enforcement policy on family violence or (2) domestic violence offender program standards.

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§ 5 — DOMESTIC VIOLENCE OFFENDER PROGRAM STANDARDS ADVISORY COUNCIL REPEALED

Under prior law, the Domestic Violence Offender Program Standards Advisory Council was a 16-member council created to promulgate, review, and update and amend as needed the domestic violence offender program standards presented to the Criminal Justice Policy Advisory Committee. Prior law also required this advisory council to annually report its activities to the Judiciary Committee, including any updates or amendments to the domestic violence offender program standards adopted in the previous calendar year.

The act repeals this advisory council and instead generally incorporates its responsibilities into the act's newly named Family Domestic Violence Criminal Justice Response and Enhancement Advisory Council.

§ 4 — ALIMONY AWARDS

Among other things, PA 23-106 prohibits the court from ordering an injured spouse to make temporary or permanent alimony payments to a spouse who is convicted of any of the following crimes after the marriage date:

1. criminal attempt or conspiracy to commit murder, murder with special circumstances, felony murder, or arson murder of the other spouse;
2. 1st degree sexual assault or 1st degree aggravated sexual assault of the other spouse;
3. a class A or B felony offense of 2nd degree sexual assault or 3rd degree sexual assault with a firearm of the other spouse;
4. a class A or B felony family violence crime; or
5. any crime in another state with essential elements that are substantially the same as the crimes listed above.

This act requires the court to terminate any alimony order if the recipient-spouse is subsequently convicted of any of the above crimes against the injured spouse. The court must do so upon a motion filed by the injured spouse to terminate alimony based upon the conviction.

PA 23-106, § 2, defines an "injured spouse" as the spouse who was the victim of one of the crimes listed above, regardless of whether physical injury occurred in the commission of the crime.