



Substitute Senate Bill No. 1091

Public Act No. 21-78

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.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46b-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Matters within the jurisdiction of the Superior Court deemed to be family relations matters shall be matters affecting or involving: (1) Dissolution of marriage, contested and uncontested, except dissolution upon conviction of crime as provided in section [46b-47] ~~46b-48~~; (2) legal separation; (3) annulment of marriage; (4) alimony, support, custody and change of name incident to dissolution of marriage, legal separation and annulment; (5) actions brought under section 46b-15, as amended by this act; (6) complaints for change of name; (7) civil support obligations; (8) habeas corpus and other proceedings to determine the custody and visitation of children; (9) habeas corpus brought by or on behalf of any mentally ill person except a person charged with a criminal offense; (10) appointment of a commission to inquire whether a person is wrongfully confined as provided by section 17a-523; (11) juvenile

Substitute Senate Bill No. 1091

matters as provided in section 46b-121; (12) all rights and remedies provided for in chapter 815j; (13) the establishing of paternity; (14) appeals from probate concerning: (A) Adoption or termination of parental rights; (B) appointment and removal of guardians; (C) custody of a minor child; (D) appointment and removal of conservators; (E) orders for custody of any child; and (F) orders of commitment of persons to public and private institutions and to other appropriate facilities as provided by statute; (15) actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; (16) dissolution, legal separation or annulment of a civil union performed in a foreign jurisdiction; (17) custody proceedings brought under the provisions of chapter 815p; and (18) all such other matters within the jurisdiction of the Superior Court concerning children or family relations as may be determined by the judges of said court.

(b) As used in this title, "domestic violence" means: (1) A continuous threat of present physical pain or physical injury against a family or household member, as defined in section 46b-38a, as amended by this act; (2) stalking, including but not limited to, stalking as described in section 53a-181d, of such family or household member; (3) a pattern of threatening, including but not limited to, a pattern of threatening as described in section 53a-62, of such family or household member or a third party that intimidates such family or household member; or (4) coercive control of such family or household member, which is a pattern of behavior that in purpose or effect unreasonably interferes with a person's free will and personal liberty. "Coercive control" includes, but is not limited to, unreasonably engaging in any of the following:

(A) Isolating the family or household member from friends, relatives or other sources of support;

(B) Depriving the family or household member of basic necessities;

Substitute Senate Bill No. 1091

(C) Controlling, regulating or monitoring the family or household member's movements, communications, daily behavior, finances, economic resources or access to services;

(D) Compelling the family or household member by force, threat or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (i) engage in conduct from which such family or household member has a right to abstain, or (ii) abstain from conduct that such family or household member has a right to pursue;

(E) Committing or threatening to commit cruelty to animals that intimidates the family or household member; or

(F) Forced sex acts, or threats of a sexual nature, including, but not limited to, threatened acts of sexual conduct, threats based on a person's sexuality or threats to release sexual images.

Sec. 2. Section 46b-15 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any family or household member, as defined in section 46b-38a, as amended by this act, who [has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, including, but not limited to, a pattern of threatening, as described in section 53a-62, by another family or household member] is the victim of domestic violence, as defined in section 46b-1, as amended by this act, by another family or household member may make an application to the Superior Court for relief under this section. The court shall provide any person who applies for relief under this section with the information set forth in section 46b-15b.

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one

Substitute Senate Bill No. 1091

or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order except that, if the application indicates that the respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and the court orders an ex parte order, the court shall order that a hearing be held on the application not later than seven days from the date on which the ex parte order is issued. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders ex parte, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. In addition, at the time of the hearing, the court, in its discretion, may also consider a report prepared by the family services unit of the Judicial Branch that may include, as available: Any existing or prior orders of protection obtained from the protection order registry; information on any pending criminal case or past criminal case in which the respondent was convicted of a violent crime; any outstanding arrest warrant for the respondent; and the respondent's level of risk based on a risk assessment tool utilized by the Court Support Services Division. The report may also include information pertaining to any pending or disposed family matters case involving the applicant and respondent. Any report provided by the Court Support Services Division to the court shall also be provided to the applicant and respondent. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the

Substitute Senate Bill No. 1091

applicant; or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the ex parte order shall not be continued except upon agreement of the parties or by order of the court for good cause shown. If a hearing on the application is scheduled or an ex parte order is granted and the court is closed on the scheduled hearing date, the hearing shall be held on the next day the court is open and any such ex parte order shall remain in effect until the date of such hearing. If the applicant is under eighteen years of age, a parent, guardian or responsible adult who brings the application as next friend of the applicant may not speak on the applicant's behalf at such hearing unless there is good cause shown as to why the applicant is unable to speak on his or her own behalf, except that nothing in this subsection shall preclude such parent, guardian or responsible adult from testifying as a witness at such hearing. As used in this subsection, "violent crime" includes: (A) An incident resulting in physical harm, bodily injury or assault; (B) an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault, including, but not limited to, stalking or a pattern of threatening; (C) verbal abuse or argument if there is a present danger and likelihood that physical violence will occur; and (D) cruelty to animals as set forth in section 53-247.

(c) If the court issues an ex parte order pursuant to subsection (b) of this section and service has not been made on the respondent in conformance with subsection (h) of this section, upon request of the applicant, the court shall, based on the information contained in the original application, extend any ex parte order for an additional period

Substitute Senate Bill No. 1091

not to exceed fourteen days from the originally scheduled hearing date. The clerk shall prepare a new order of hearing and notice containing the new hearing date, which shall be served upon the respondent in accordance with the provisions of subsection (h) of this section.

(d) Any ex parte restraining order entered under subsection (b) of this section in which the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, may include, if no order exists, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, in addition to any orders authorized under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or necessary services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; or (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects.

(e) At the hearing on any application under this section, if the court grants relief pursuant to subsection (b) of this section and the applicant and respondent are spouses, or persons who have a dependent child or children in common and who live together, and if necessary to maintain the safety and basic needs of the applicant or the dependent child or children in common of the applicant and respondent, any orders entered by the court may include, in addition to the orders authorized

Substitute Senate Bill No. 1091

under subsection (b) of this section, any of the following: (1) An order prohibiting the respondent from (A) taking any action that could result in the termination of any necessary utility services or services related to the family dwelling or the dwelling of the applicant, (B) taking any action that could result in the cancellation, change of coverage or change of beneficiary of any health, automobile or homeowners insurance policy to the detriment of the applicant or the dependent child or children in common of the applicant and respondent, or (C) transferring, encumbering, concealing or disposing of specified property owned or leased by the applicant; (2) an order providing the applicant with temporary possession of an automobile, checkbook, documentation of health, automobile or homeowners insurance, a document needed for purposes of proving identity, a key or other necessary specified personal effects; or (3) an order that the respondent: (A) Make rent or mortgage payments on the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (B) maintain utility services or other necessary services related to the family dwelling or the dwelling of the applicant and the dependent child or children in common of the applicant and respondent, (C) maintain all existing health, automobile or homeowners insurance coverage without change in coverage or beneficiary designation, or (D) provide financial support for the benefit of any dependent child or children in common of the applicant and the respondent, provided the respondent has a legal duty to support such child or children and the ability to pay. The court shall not enter any order of financial support without sufficient evidence as to the ability to pay, including, but not limited to, financial affidavits. If at the hearing no order is entered under this subsection or subsection (d) of this section, no such order may be entered thereafter pursuant to this section. Any order entered pursuant to this subsection shall not be subject to modification and shall expire one hundred twenty days after the date of issuance or upon issuance of a superseding order, whichever occurs first. Any amounts not paid or collected under this subsection or

Substitute Senate Bill No. 1091

subsection (d) of this section may be preserved and collectible in an action for dissolution of marriage, custody, paternity or support.

(f) (1) Every order of the court made in accordance with this section shall contain the following language: [(1)] (A) "This order may be extended by the court beyond one year. In accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree. This is a criminal offense punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars or both."; and [(2)] (B) "In accordance with section 53a-223b of the Connecticut general statutes, any violation of subparagraph (A) or (B) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than five years, a fine of not more than five thousand dollars, or both. Additionally, any violation of subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 53a-223b constitutes criminal violation of a restraining order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Each applicant who receives an order of the court in accordance with this section shall be given a notice that contains the following language: "If a restraining order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(g) No order of the court shall exceed one year, except that an order may be extended by the court upon motion of the applicant for such additional time as the court deems necessary. If the respondent has not

Substitute Senate Bill No. 1091

appeared upon the initial application, service of a motion to extend an order may be made by first-class mail directed to the respondent at the respondent's last-known address.

(h) (1) The applicant shall cause notice of the hearing pursuant to subsection (b) of this section and a copy of the application and the applicant's affidavit and of any ex parte order issued pursuant to subsection (b) of this section to be served on the respondent not less than three days before the hearing. A proper officer responsible for executing such service shall accept all documents in an electronic format, if presented to such officer in such format. The cost of such service shall be paid for by the Judicial Branch.

(2) When (A) an application indicates that a respondent holds a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver, a long gun eligibility certificate or an ammunition certificate or possesses one or more firearms or ammunition, and (B) the court has issued an ex parte order pursuant to this section, the proper officer responsible for executing service shall, whenever possible, provide in-hand service and, prior to serving such order, shall (i) provide notice to the law enforcement agency for the town in which the respondent will be served concerning when and where the service will take place, and (ii) send, or cause to be sent by facsimile or other means, a copy of the application, the applicant's affidavit, the ex parte order and the notice of hearing to such law enforcement agency, and (iii) request that a police officer from the law enforcement agency for the town in which the respondent will be served be present when service is executed by the proper officer. Upon receiving a request from a proper officer under the provisions of this subdivision, the law enforcement agency for the town in which the respondent will be served may designate a police officer to be present when service is executed by the proper officer.

(3) Upon the granting of an ex parte order, the clerk of the court shall provide two copies of the order to the applicant. Upon the granting of

Substitute Senate Bill No. 1091

an order after notice and hearing, the clerk of the court shall provide two copies of the order to the applicant and a copy to the respondent. Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. Immediately after making service on the respondent, the proper officer shall (A) send or cause to be sent, by facsimile or other means, a copy of the application, or the information contained in such application, stating the date and time the respondent was served, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, and (B) as soon as possible, but not later than two hours after the time that service is executed, input into the Judicial Branch's Internet-based service tracking system the date, time and method of service. If, prior to the date of the scheduled hearing, service has not been executed, the proper officer shall input into such service tracking system that service was unsuccessful. The clerk of the court shall send, by facsimile or other means, a copy of any ex parte order and of any order after notice and hearing, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the applicant resides, the town in which the applicant is employed and the town in which the respondent resides, within forty-eight hours of the issuance of such order. If the victim, or victim's minor child protected by such order, is enrolled in a public or private elementary or secondary school, including a technical education and career school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such ex parte order or of any order after notice and hearing, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled and the special police force established pursuant to

Substitute Senate Bill No. 1091

section 10a-156b, if any, at the institution of higher education at which the victim, or victim's minor child protected by such order, is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

(i) A caretaker who is providing shelter in his or her residence to a person sixty years or older shall not be enjoined from the full use and enjoyment of his or her home and property. The Superior Court may make any other appropriate order under the provisions of this section.

(j) When a motion for contempt is filed for violation of a restraining order, there shall be an expedited hearing. Such hearing shall be held within five court days of service of the motion on the respondent, provided service on the respondent is made not less than twenty-four hours before the hearing. If the court finds the respondent in contempt for violation of an order, the court may impose such sanctions as the court deems appropriate.

(k) An action under this section shall not preclude the applicant from seeking any other civil or criminal relief.

(l) For purposes of this section, "police officer" means a state police officer or a sworn member of a municipal police department and "law enforcement agency" means the Division of State Police within the Department of Emergency Services and Public Protection or any municipal police department.

Sec. 3. Section 46b-15c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) In any court proceeding in a family relations matter, as defined in section 46b-1, as amended by this act, the court [may, within available resources] shall, upon [motion] the written request of a party or the attorney for any party made not less than two days prior to such proceeding, order that the testimony of a party or a child who is a subject

Substitute Senate Bill No. 1091

of the proceeding be taken outside the physical presence of any other party if a protective order, restraining order or standing criminal protective order has been issued on behalf of the party or child, and the other party is subject to the protective order, restraining order or standing criminal protective order. Such order may provide for the use of alternative means to obtain the testimony of any party or child, including, but not limited to, the use of a secure video connection for the purpose of conducting hearings by videoconference. Such testimony may be taken in a room other than the courtroom or at another location outside the courthouse or outside the state. The court shall provide for the administration of an oath to such party or child prior to the taking of such testimony in accordance with the rules of the Superior Court.

(b) Nothing in this section shall be construed to limit any party's right to cross-examine a witness whose testimony is taken in a room other than the courtroom pursuant to an order under this section.

(c) An order under this section may remain in effect during the pendency of the proceedings in the family relations matter.

(d) A notice describing the provisions of subsection (a) of this section shall be (1) posted on the Internet web site of the Judicial Branch, (2) included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation under section 46b-40, and (3) included in any written or electronic form provided to a person who receives a protective order under section 46b-38c, as amended by this act, a standing criminal protective order under section 54a-40e, as amended by this act, or a restraining order, under section 46b-15, as amended by this act.

Sec. 4. Subdivision (3) of section 46b-38a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Substitute Senate Bill No. 1091

(3) "Family violence crime" means a crime as defined in section 53a-24, other than a delinquent act, as defined in section 46b-120, which, in addition to its other elements, contains as an element thereof an act of family violence to a family or household member. "Family violence crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-223a or 53a-223b when the condition of release or court order is issued for an act of family violence or a family violence crime. "Family violence crime" does not include acts by parents or guardians disciplining minor children unless such acts constitute abuse.

Sec. 5. Subdivision (5) of subsection (g) of section 46b-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(5) (A) On and after July 1, [2010] 2021, each law enforcement agency shall designate at least one officer with supervisory duties to expeditiously process, upon request of a victim of family violence or other crime who is applying for U Nonimmigrant Status [(A)] (i) a certification of helpfulness on Form I-918, Supplement B, or any subsequent corresponding form designated by the United States Department of Homeland Security, confirming that the victim of family violence or other crime has been helpful, is being helpful [,] or is likely to be helpful in the investigation or prosecution of the criminal activity, and [(B)] (ii) any subsequent certification required by the victim. As used in this subparagraph, "expeditiously" means not later than sixty days after the date of receipt of the request for certification of helpfulness, or not later than fourteen days after the date of receipt of such request if (I) the victim is in federal immigration removal proceedings or detained, or (II) the victim's child, parents or siblings would become ineligible for an immigration benefit by virtue of the victim or the sibling of such victim attaining the age of eighteen years, or the victim's child attaining the age of twenty-one years.

(B) By signing a certification of helpfulness, the officer or agency is

Substitute Senate Bill No. 1091

not making a determination of eligibility for U Nonimmigrant Status. The officer or agency is solely providing information required by the United States Department of Homeland Security on such form as is required by said department and certifying that: (i) The requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim possesses or possessed information regarding that crime, (iii) the victim has been, is being or is likely to be helpful in an investigation of that crime, and (iv) the victim has not failed or refused to provide reasonably requested information or assistance. A current or ongoing investigation, filing of criminal charges, prosecution or conviction is not required for a victim to request and obtain certification under this subdivision.

Sec. 6. Subsection (e) of section 46b-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(e) (1) A protective order issued under this section may include provisions necessary to protect the victim from threats, harassment, injury or intimidation by the defendant, including, but not limited to, an order enjoining the defendant from [(1)] (A) imposing any restraint upon the person or liberty of the victim, [(2)] (B) threatening, harassing, assaulting, molesting or sexually assaulting the victim, or [(3)] (C) entering the family dwelling or the dwelling of the victim. A protective order issued under this section may include provisions necessary to protect any animal owned or kept by the victim including, but not limited to, an order enjoining the defendant from injuring or threatening to injure such animal. Such order shall be made a condition of the bail or release of the defendant and shall contain the following notification: "In accordance with section 53a-223 of the Connecticut general statutes, any violation of this order constitutes criminal violation of a protective order which is punishable by a term of imprisonment of not more than ten years, a fine of not more than ten thousand dollars, or both.

Substitute Senate Bill No. 1091

Additionally, in accordance with section 53a-107 of the Connecticut general statutes, entering or remaining in a building or any other premises in violation of this order constitutes criminal trespass in the first degree which is punishable by a term of imprisonment of not more than one year, a fine of not more than two thousand dollars, or both. Violation of this order also violates a condition of your bail or release, and may result in raising the amount of bail or revoking release." Every order of the court made in accordance with this section after notice and hearing shall be accompanied by a notification that is consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as amended from time to time. The information contained in and concerning the issuance of any protective order issued under this section shall be entered in the registry of protective orders pursuant to section 51-5c.

(2) Each person who receives an order of the court in accordance with this subsection shall be given a notice that contains the following language: "If a protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

Sec. 7. Section 53a-40e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) If any person is convicted of (1) a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or subdivision (1) or (2) of subsection (a) of section 53-21, section 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60b, 53a-60c, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, 53a-181e, 53a-182b or 53a-183, subdivision (2) of subsection (a) of section 53a-192a, section 53a-

Substitute Senate Bill No. 1091

223, 53a-223a or 53a-223b or attempt or conspiracy to violate any of said sections or section 53a-54a, or (2) any crime that the court determines constitutes a family violence crime, as defined in section 46b-38a, as amended by this act, or attempt or conspiracy to commit any such crime, the court may, in addition to imposing the sentence authorized for the crime under section 53a-35a or 53a-36, if the court is of the opinion that the history and character and the nature and circumstances of the criminal conduct of such offender indicate that a standing criminal protective order will best serve the interest of the victim and the public, issue a standing criminal protective order which shall remain in effect for a duration specified by the court until modified or revoked by the court for good cause shown. If any person is convicted of any crime not specified in subdivision (1) or (2) of this subsection, the court may, for good cause shown, issue a standing criminal protective order pursuant to this subsection.

(b) Such standing criminal protective order may include, but need not be limited to, provisions enjoining the offender from (1) imposing any restraint upon the person or liberty of the victim; (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the victim; or (3) entering the family dwelling or the dwelling of the victim. If the victim is enrolled in a public or private elementary or secondary school, including a technical high school, or an institution of higher education, as defined in section 10a-55, the clerk of the court shall, upon the request of the victim, send, by facsimile or other means, a copy of such standing criminal protective order, or the information contained in any such order, to such school or institution of higher education, the president of any institution of higher education at which the victim is enrolled and the special police force established pursuant to section 10a-142, if any, at the institution of higher education at which the victim is enrolled, if the victim provides the clerk with the name and address of such school or institution of higher education.

Substitute Senate Bill No. 1091

(c) (1) Such standing criminal protective order shall include the following notice: "In accordance with section 53a-223a of the Connecticut general statutes, violation of this order shall be punishable by a term of imprisonment of not less than one year nor more than ten years, a fine of not more than ten thousand dollars, or both."

(2) Upon issuance of a standing criminal protective order under subsection (a) of this section, each victim protected by such order shall be given a notice that contains the following language: "If a standing criminal protective order has been issued on your behalf or on behalf of your child, you may elect to give testimony or appear in a family court proceeding remotely, pursuant to section 46b-15c. Please notify the court in writing at least two days in advance of a proceeding if you choose to give testimony or appear remotely, and your physical presence in the courthouse will not be required in order to participate in the court proceeding."

(d) For the purposes of this section and any other provision of the general statutes, "standing criminal protective order" means (1) a standing criminal restraining order issued prior to October 1, 2010, or (2) a standing criminal protective order issued on or after October 1, 2010.

Sec. 8. Subsection (f) of section 46b-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(f) When recommending the entry of any order as provided in subsections (a) and (b) of section 46b-56, as amended by this act, counsel or a guardian ad litem for the minor child shall consider the best interests of the child, and in doing so shall consider, but not be limited to, one or more of the following factors: (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; [(2)] (3) the capacity and the disposition of the parents to

Substitute Senate Bill No. 1091

understand and meet the needs of the child; [(3)] (4) any relevant and material information obtained from the child, including the informed preferences of the child; [(4)] (5) the wishes of the child's parents as to custody; [(5)] (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; [(6)] (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; [(7)] (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; [(8)] (9) the ability of each parent to be actively involved in the life of the child; [(9)] (10) the child's adjustment to his or her home, school and community environments; [(10)] (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided counsel or a guardian ad litem for the minor child may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; [(11)] (12) the stability of the child's existing or proposed residences, or both; [(12)] (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; [(13)] (14) the child's cultural background; [(14)] (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, as amended by this act, has occurred between the parents or between a parent and another individual or the child; [(15)] (16) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and [(16)] (17) whether a party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. Counsel or a guardian ad litem for the minor child shall not be required to assign any weight to any of the factors considered.

Substitute Senate Bill No. 1091

Sec. 9. Section 46b-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents.

(b) In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests. Such orders may include, but shall not be limited to: (1) Approval of a parental responsibility plan agreed to by the parents pursuant to section 46b-56a; (2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing; (3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or (4) any other custody arrangements as the court may determine to be in the best interests of the child.

Substitute Senate Bill No. 1091

(c) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so, may consider, but shall not be limited to, one or more of the following factors: (1) The physical and emotional safety of the child; (2) the temperament and developmental needs of the child; [(2)] (3) the capacity and the disposition of the parents to understand and meet the needs of the child; [(3)] (4) any relevant and material information obtained from the child, including the informed preferences of the child; [(4)] (5) the wishes of the child's parents as to custody; [(5)] (6) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; [(6)] (7) the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders; [(7)] (8) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; [(8)] (9) the ability of each parent to be actively involved in the life of the child; [(9)] (10) the child's adjustment to his or her home, school and community environments; [(10)] (11) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite in order to alleviate stress in the household; [(11)] (12) the stability of the child's existing or proposed residences, or both; [(12)] (13) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; [(13)] (14) the child's cultural background; [(14)] (15) the effect on the child of the actions of an abuser, if any domestic violence, as defined in section 46b-1, as amended by this act, has occurred between the parents or between a parent and another individual or the child; [(15)] (16) whether the child

Substitute Senate Bill No. 1091

or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and [(16)] (17) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. The court is not required to assign any weight to any of the factors that it considers, but shall articulate the basis for its decision.

(d) Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the best interests of the child, including the child's health and safety.

(e) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in section 46b-84.

(f) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under this section, including orders of injunction, prior to any action in the cause by the court.

(g) A parent not granted custody of a minor child shall not be denied the right of access to the academic, medical, hospital or other health records of such minor child, unless otherwise ordered by the court for good cause shown.

(h) Notwithstanding the provisions of subsections (b) and (c) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the

Substitute Senate Bill No. 1091

investigation ordered by the court pursuant to section 46b-6 recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification.

(i) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interests of the child.

Sec. 10. (NEW) (*Effective October 1, 2021*) In any family relations matter described in section 46b-1 of the general statutes, as amended by this act, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, the court shall sanction such party in an appropriate manner so as to allow such matter to proceed without undue delay or obstruction by the party filing such pleadings or motions.

Sec. 11. Section 51-27h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The Chief Court Administrator shall provide in each court where family matters or family violence matters are heard or where a domestic violence docket, as defined in section 51-181e, is located a secure room for victims of family violence crimes and advocates for victims of family violence crimes which is separate from any public or private area of the court intended to accommodate the respondent or defendant or the respondent's or defendant's family, friends, attorneys or witnesses and separate from the office of the state's attorney, provided that in courthouses constructed prior to July 1, 2021, such a room is available and the use of such room is practical.

Sec. 12. Section 51-27i of the general statutes is repealed and the

Substitute Senate Bill No. 1091

following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) As used in this section:

(1) "Domestic violence agency" means any office, shelter, host home or agency offering assistance to victims of domestic violence through crisis intervention, emergency shelter referral and medical and legal advocacy, and which meets the Department of Social Services' criteria of service provision for such agencies.

(2) "Family violence victim advocate" means a person (A) who is employed by and under the control of a direct service supervisor of a domestic violence agency, (B) who has undergone a minimum of twenty hours of training which shall include, but not be limited to, the dynamics of domestic violence, crisis intervention, communication skills, working with diverse populations, an overview of the state criminal justice and civil family court systems and information about state and community resources for victims of domestic violence, (C) who is certified as a counselor by the domestic violence agency that provided such training, and (D) whose primary purpose is the rendering of advice, counsel and assistance to, and the advocacy of the cause of, victims of domestic violence.

(b) The Chief Court Administrator shall permit one or more family violence victim advocates to provide services to victims of domestic violence in (1) the Family Division of the Superior Court in [one or more judicial districts] each judicial district, and (2) each geographical area court in the state.

(c) Notwithstanding any provision of the general statutes restricting the disclosure of documents, upon request, a family violence victim advocate providing services in the Family Division of the Superior Court or a geographical area court shall be provided with a copy of any police report in the possession of the state's attorney, the Division of

Substitute Senate Bill No. 1091

State Police within the Department of Emergency Services and Public Protection, any municipal police department or any other law enforcement agency that the family violence victim advocate requires to perform the responsibilities and duties set forth in subsection (b) of this section.

Sec. 13. Subsection (a) of section 17b-112g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Social Services shall offer immediate diversion assistance designed to prevent certain families who are applying for monthly temporary family assistance from needing such assistance. Diversion assistance shall be offered to families that (1) upon initial assessment are determined eligible for temporary family assistance, (2) demonstrate a short-term need that cannot be met with current or anticipated family resources, and (3) with the provision of a service or short-term benefit, would be prevented from needing monthly temporary family assistance. Within resources available to the Department of Social Services, a person who requests diversion assistance on the basis of being a victim of domestic violence, as defined in section 17b-112a, shall be deemed to satisfy subdivision (2) of this subsection and shall not be subject to the requirements of subdivision (3) of this subsection. In determining whether the family of such a victim of domestic violence satisfies the requirements of subdivision (1) of this subsection and the appropriate amount of diversion assistance to provide, the commissioner shall not include as a member of the family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a.

Substitute Senate Bill No. 1091

Sec. 14. Section 17b-191 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Notwithstanding the provisions of sections 17b-190, 17b-195 and 17b-196, the Commissioner of Social Services shall operate a state-administered general assistance program in accordance with this section and sections 17b-131, 17b-193, 17b-194, 17b-197 and 17b-198. Notwithstanding any provision of the general statutes, on and after October 1, 2003, no town shall be reimbursed by the state for any general assistance medical benefits incurred after September 30, 2003, and on and after March 1, 2004, no town shall be reimbursed by the state for any general assistance cash benefits or general assistance program administrative costs incurred after February 29, 2004.

(b) The state-administered general assistance program shall provide cash assistance of (1) two hundred dollars per month for an unemployable person upon determination of such person's unemployability; (2) two hundred dollars per month for a transitional person who is required to pay for shelter; and (3) fifty dollars per month for a transitional person who is not required to pay for shelter. The standard of assistance paid for individuals residing in rated boarding facilities shall remain at the level in effect on August 31, 2003. No person shall be eligible for cash assistance under the program if eligible for cash assistance under any other state or federal cash assistance program. The standards of assistance set forth in this subsection shall be subject to annual increases, as described in subsection (b) of section 17b-104.

(c) To be eligible for cash assistance under the program, a person shall (1) be (A) eighteen years of age or older; (B) a minor found by a court to be emancipated pursuant to section 46b-150; or (C) under eighteen years of age and the commissioner determines good cause for such person's eligibility, and (2) not have assets exceeding two hundred fifty dollars or, if such person is married, such person and his or her spouse shall not have assets exceeding five hundred dollars. In determining eligibility,

Substitute Senate Bill No. 1091

the commissioner shall not consider as income Aid and Attendance pension benefits granted to a veteran, as defined in section 27-103, or the surviving spouse of such veteran. No person who is a substance abuser and refuses or fails to enter available, appropriate treatment shall be eligible for cash assistance under the program until such person enters treatment. No person whose benefits from the temporary family assistance program have terminated as a result of time-limited benefits or for failure to comply with a program requirement shall be eligible for cash assistance under the program.

(d) Prior to or upon discontinuance of assistance, a person previously determined to be a transitional person may petition the commissioner to review the determination of his or her status. In such review, the commissioner shall consider factors, including, but not limited to: (1) Age; (2) education; (3) vocational training; (4) mental and physical health; and (5) employment history and shall make a determination of such person's ability to obtain gainful employment.

(e) Notwithstanding any other provision of this section or section 17b-194, a victim of domestic violence, as defined in section 17b-112a, who is not eligible for diversion assistance under the provisions of section 17b-112g, as amended by this act, shall be eligible for a one-time assistance payment under the state-administered general assistance program within resources available to the Department of Social Services. Such payment shall be equivalent to that which such victim would be entitled to receive as diversion assistance if such victim and his or her family, if any, were eligible for diversion assistance. In determining whether and in what amount a victim of domestic violence and his or her family are eligible for a one-time assistance payment pursuant to this subsection, the commissioner shall not include as a member of such victim's family the spouse, domestic partner or other household member credibly accused of domestic violence by such victim, nor shall the commissioner count the income or assets of such a

Substitute Senate Bill No. 1091

spouse, domestic partner or other household member. For purposes of this subsection, allegations of domestic violence may be substantiated by the commissioner pursuant to the provisions of subsection (b) of section 17b-112a, and "family" has the same meaning as used in section 17b-112, except as otherwise provided in this subsection.

Sec. 15. (NEW) (*Effective from passage*) (a) There is established a grant program to provide individuals who are indigent with access to legal assistance at no cost when making an application for a restraining order under section 46b-15 of the general statutes, as amended by this act. The grant program shall be administered by the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c of the general statutes. Funds appropriated to the Judicial Branch for the purpose of the grant program shall be transferred to the organization administering the program.

(b) Not later than three months after receiving funding in any year from the state, the organization administering the program shall issue a request for proposals from nonprofit entities whose principal purpose is providing legal services at no cost to individuals who are indigent, for the purpose of awarding grants to provide counsel to indigent individuals who express an interest in applying for a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, and, to the extent practicable within the funding awarded, representing such individuals throughout the process of applying for such restraining order, including at prehearing conferences and at the hearing on an application. A nonprofit entity responding to the request for proposals may partner with law schools or other non-profit entities or publicly funded organizations that are not governmental entities, for the provision of services pursuant to a grant. Each response to the request for proposals shall specify the judicial district courthouse, or courthouses, for which services will be provided.

Substitute Senate Bill No. 1091

(c) The organization administering the program may only award a grant (1) to provide services in the judicial districts of Fairfield, Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an amount not to exceed two hundred thousand dollars, except that a grant to provide services in the judicial district with the highest average number of applications for restraining orders under section 46b-15 of the general statutes, as amended by this act, over the previous three fiscal years may receive a grant of not more than four hundred thousand dollars. Grants may not be used to provide services to individuals who are not indigent.

(d) The organization administering the program may only award a grant to a nonprofit entity whose principal purpose is providing legal services to individuals who are indigent, if such nonprofit entity demonstrates the ability to:

(1) Verify at the time of meeting with an individual that such potential client is indigent and meets applicable household income eligibility requirements set by the entity;

(2) Arrange for at least one individual who has the relevant training or experience and is authorized to provide legal counsel to eligible indigent individuals who express an interest in applying for a restraining order, to be present in the courthouse or courthouses identified in response to the request for proposals or be available to meet remotely during all business hours;

(3) To the greatest extent practicable within the funding awarded, provide continued representation to eligible indigent individuals throughout the restraining order process, including in court for the hearing on the restraining order, when such individuals request such continued representation after receiving assistance with a restraining order application;

Substitute Senate Bill No. 1091

(4) Provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms that may be necessary to apply for a restraining order; and

(5) Track and report to the organization administering the program on the services provided pursuant to the program, including (A) the procedural outcomes of restraining order applications filed, (B) the number of instances where legal counsel was provided prior to the filing of an application but not during the remainder of the restraining order process, and the reasons limiting the duration of such representation, and (C) information on any other legal representation provided to individuals pursuant to the program on matters that were ancillary to the circumstances that supported the application for a restraining order.

(e) In awarding grants, the organization administering the program shall give preference to nonprofit entities (1) that demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the application for a restraining order; (2) with experience offering legal representation to individuals during the restraining order process; or (3) that can provide quality remote services should courthouses be closed to the public.

(f) The Chief Court Administrator shall:

(1) Provide each grant recipient with office space, if available, in the judicial district courthouse or courthouses served by such recipient under the grant program to conduct intake interviews and assist clients with applications for restraining orders;

(2) Require court clerks at such courthouses, prior to accepting an application for a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, to (A) inform each individual filing such application, or inquiring about filing such an application, that pro bono legal services are available from the grant recipient for

Substitute Senate Bill No. 1091

income-eligible individuals and, if office space has been provided to the grant recipient, where the grant recipient is located in the courthouse, and (B) if cards or pamphlets containing information about pro bono legal services have been provided to the courthouse by the grant recipient, provide such a card or pamphlet to the individual; and

(3) If a poster of reasonable size containing information about pro bono legal services has been provided to a courthouse served by a grant recipient, require the display of such poster in a manner that is visible to the public at or near the location where applications for a restraining order are filed in such courthouse.

(g) The Chief Court Administrator shall post on the Internet web site of the Judicial Branch where instructions for filing a restraining order pursuant to section 46b-15 of the general statutes, as amended by this act, are provided, information on the pro bono legal services available from grant recipients for income-eligible individuals at the applicable courthouses.

(h) For each year that funding is provided for the program under this section, the organization administering the program shall either conduct, or partner with an academic institution or other qualified entity for the purpose of conducting, an analysis of the impact of the program, including, but not limited to, (1) the procedural outcomes for applications filed in association with services provided by grant recipients under the program, (2) the types and extent of legal services provided to individuals served pursuant to the program, including on matters ancillary to the restraining order application, and (3) the number of cases where legal services were provided before an application was filed but legal representation did not continue during the restraining order process and the reasons for such limited representations. Not later than July first of the year following any year in which the program received funding, the organization administering the program shall submit a report on the results of such analysis in

Substitute Senate Bill No. 1091

accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary.

(i) Up to five per cent of the total amount received by the organization administering the grant program may be used for the reasonable costs of administering the program, including the completion of the analysis and report required by subsection (h) of this section.

Sec. 16. Subsections (a) and (b) of section 54-64a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) (1) Except as provided in subdivision (2) of this subsection and subsection (b) of this section, when any arrested person is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court: (A) Upon execution of a written promise to appear without special conditions, (B) upon execution of a written promise to appear with nonfinancial conditions, (C) upon execution of a bond without surety in no greater amount than necessary, (D) upon execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) If the arrested person is charged with no offense other than a

Substitute Senate Bill No. 1091

misdemeanor, the court shall not impose financial conditions of release on the person unless (A) the person is charged with a family violence crime, as defined in section 46b-38a, as amended by this act, or (B) the person requests such financial conditions, or (C) the court makes a finding on the record that there is a likely risk that (i) the arrested person will fail to appear in court, as required, or (ii) the arrested person will obstruct or attempt to obstruct justice, or threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror, or (iii) the arrested person will engage in conduct that threatens the safety of himself or herself or another person. In making a finding described in this subsection, the court may consider past criminal history, including any prior record of failing to appear as required in court that resulted in any conviction for a violation of section 53a-172 or any conviction during the previous ten years for a violation of section 53a-173 and any other pending criminal cases of the person charged with a misdemeanor.

(3) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, [and] (G) such person's community ties, and (H) in the case of a violation of 53a-222a when the condition of release was issued for a family violence crime, as defined in section 46b-38a, as amended by this act, the heightened risk posed to victims of family violence by violations of conditions of release.

(b) (1) When any arrested person charged with the commission of a class A felony, a class B felony, except a violation of section 53a-86 or 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,

Substitute Senate Bill No. 1091

section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or a family violence crime, as defined in section 46b-38a, as amended by this act, is presented before the Superior Court, said court shall, in bailable offenses, promptly order the release of such person upon the first of the following conditions of release found sufficient to reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered: (A) Upon such person's execution of a written promise to appear without special conditions, (B) upon such person's execution of a written promise to appear with nonfinancial conditions, (C) upon such person's execution of a bond without surety in no greater amount than necessary, (D) upon such person's execution of a bond with surety in no greater amount than necessary, but in no event shall a judge prohibit a bond from being posted by surety. In addition to or in conjunction with any of the conditions enumerated in subparagraphs (A) to (D), inclusive, of this subdivision, the court may, when it has reason to believe that the person is drug-dependent and where necessary, reasonable and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment. The results of any such drug test shall not be admissible in any criminal proceeding concerning such person.

(2) The court may, in determining what conditions of release will reasonably ensure the appearance of the arrested person in court and that the safety of any other person will not be endangered, consider the following factors: (A) The nature and circumstances of the offense, (B) such person's record of previous convictions, (C) such person's past record of appearance in court after being admitted to bail, (D) such person's family ties, (E) such person's employment record, (F) such person's financial resources, character and mental condition, (G) such person's community ties, (H) the number and seriousness of charges pending against the arrested person, (I) the weight of the evidence against the arrested person, (J) the arrested person's history of violence,

Substitute Senate Bill No. 1091

(K) whether the arrested person has previously been convicted of similar offenses while released on bond, [and] (L) the likelihood based upon the expressed intention of the arrested person that such person will commit another crime while released, and (M) the heightened risk posed to victims of family violence by violations of conditions of release and court orders of protection.

(3) When imposing conditions of release under this subsection, the court shall state for the record any factors under subdivision (2) of this subsection that it considered and the findings that it made as to the danger, if any, that the arrested person might pose to the safety of any other person upon the arrested person's release that caused the court to impose the specific conditions of release that it imposed.

Sec. 17. Subsection (a) of section 53a-181j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the first degree when such person maliciously, and with specific intent to intimidate or harass another person [because of] motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person, causes physical injury to such other person or to a third person.

Sec. 18. Subsection (a) of section 53a-181k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the second degree when such person maliciously, and with specific intent to intimidate or harass another person or group of persons [because of] motivated in whole or in substantial part by the actual or perceived race,

Substitute Senate Bill No. 1091

religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or group of persons, does any of the following: (1) Causes physical contact with such other person or group of persons, (2) damages, destroys or defaces any real or personal property of such other person or group of persons, or (3) threatens, by word or act, to do an act described in subdivision (1) or (2) of this subsection, if there is reasonable cause to believe that an act described in subdivision (1) or (2) of this subsection will occur.

Sec. 19. Subsection (a) of section 53a-181l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A person is guilty of intimidation based on bigotry or bias in the third degree when such person, with specific intent to intimidate or harass another person or group of persons [because of] motivated in whole or in substantial part by the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person or persons: (1) Damages, destroys or defaces any real or personal property, or (2) threatens, by word or act, to do an act described in subdivision (1) of this subsection or advocates or urges another person to do an act described in subdivision (1) of this subsection, if there is reasonable cause to believe that an act described in said subdivision will occur.

Sec. 20. (NEW) (*Effective October 1, 2021*) (a) Upon the request of a tenant, a landlord shall change the locks or permit the tenant to change the locks to a tenant's dwelling unit when: (1) The tenant is named as a protected person in (A) a protective or restraining order issued by a court of this state, including, but not limited to, an order issued pursuant to sections 46b-15, 46b-16a, 46b-38c, 53a-40e and 54-1k of the general statutes, as amended by this act, that is in effect at the time the tenant makes such request of the landlord, or (B) a foreign order of protection that has been registered in this state pursuant to section 46b-15a of the

Substitute Senate Bill No. 1091

general statutes, as amended by this act, that is in effect at the time the tenant makes such request of the landlord; (2) the protective order, restraining order or foreign order of protection requires the respondent or defendant to (A) stay away from the home of the tenant, or (B) stay a minimum distance away from the tenant; and (3) the tenant provides a copy of such protective order, restraining order or foreign order of protection to the landlord. A landlord who is required to change a tenant's locks or permit the tenant to change a tenant's locks under this subsection shall, not later than six hours after receipt of the request, inform the tenant whether the landlord will change the locks or permit the tenant to change the locks. If the landlord agrees to change the locks, the landlord shall do so not later than forty-eight hours after the date that the tenant makes such request.

(b) If a landlord has informed the tenant that the tenant is responsible for changing the locks, fails to change the locks, or fails to permit a tenant to change the locks within the timeframe prescribed under subsection (a) of this section, the tenant may proceed to change the locks. If a tenant changes the locks, the tenant shall ensure that the locks are changed in a workmanlike manner, utilizing locks of similar or improved quality as compared to the original locks. The landlord may replace a lock installed by or at the behest of a tenant if the locks installed were not of similar or improved quality or were not installed properly. If a tenant changes the locks to his or her dwelling unit under this subsection, the tenant shall provide a key to the new locks to the landlord not later than two business days after the date on which the locks were changed, except when good cause prevents the tenant from providing a key to the landlord within the prescribed time period.

(c) When a landlord changes the locks to a dwelling unit under subsection (a) or (b) of this section, the landlord (1) shall, if using a professional contractor or locksmith, be responsible for payment to such contractor or locksmith, (2) shall, at or prior to the time of changing such

Substitute Senate Bill No. 1091

locks, provide a key to the new locks to the tenant, and (3) may charge a fee to the tenant not exceeding the actual reasonable cost of changing the locks. If the tenant fails to pay the fee, such cost may be recouped by suit against the tenant or as a deduction from the security deposit when the tenant vacates the dwelling unit, but shall not be the basis for a summary process action under chapter 832 of the general statutes. For purposes of this subsection, "actual reasonable cost" means the cost of the lock mechanism, as well as the fee paid by the landlord for professional contractor or locksmith services.

(d) A landlord may reprogram a digital or electronic lock with a new entry code to comply with the provisions of this section.

(e) If a tenant residing in the dwelling unit is named as the respondent or defendant in an order described in subsection (a) of this section and under such order is required to stay away from the dwelling unit, the landlord shall not provide a key to such tenant for the new locks. Absent a court order permitting a tenant who is the respondent or defendant in such order to return to the dwelling unit to retrieve his or her possessions and personal effects, the landlord has no duty under the rental agreement or by law to allow such tenant access to the dwelling unit once the landlord has been provided with a court order requiring such tenant to stay away from the dwelling unit, and the landlord shall not permit such tenant to access the dwelling unit. Any tenant excluded from the dwelling unit under this section remains liable under the rental agreement with any other tenant of the dwelling unit for rent or damages to the dwelling unit.

(f) A landlord may not require a tenant who is named as a protected person under an order described in subsection (a) of this section to pay additional rent or an additional deposit or fee because of the exclusion of the tenant who is named as the respondent or defendant in such order.

Substitute Senate Bill No. 1091

(g) Any landlord or agent of such landlord who denies a tenant named as a respondent or defendant in an order described in subsection (a) of this section access to the dwelling unit pursuant to this section shall be immune from any civil liability arising from such denial, provided the landlord or agent complies with the provisions of this section and any applicable court order.

Sec. 21. Section 47a-1 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

As used in this chapter and sections 47a-21, as amended by this act, 47a-23 to 47a-23c, inclusive, 47a-26a to 47a-26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46 and section 20 of this act:

(a) "Action" includes recoupment, counterclaim, set-off, cause of action and any other proceeding in which rights are determined, including an action for possession.

(b) "Building and housing codes" include any law, ordinance or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use or appearance of any premises or dwelling unit.

(c) "Dwelling unit" means any house or building, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons.

(d) "Landlord" means the owner, lessor or sublessor of the dwelling unit, the building of which it is a part or the premises.

(e) "Owner" means one or more persons, jointly or severally, in whom is vested (1) all or part of the legal title to property, or (2) all or part of the beneficial ownership and a right to present use and enjoyment of the premises and includes a mortgagee in possession.

Substitute Senate Bill No. 1091

(f) "Person" means an individual, corporation, limited liability company, the state or any political subdivision thereof, or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, and any other legal or commercial entity.

(g) "Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

(h) "Rent" means all periodic payments to be made to the landlord under the rental agreement.

(i) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under section 47a-9 or subsection (d) of section 21-70 embodying the terms and conditions concerning the use and occupancy of a dwelling unit or premises.

(j) "Roomer" means a person occupying a dwelling unit, which unit does not include a refrigerator, stove, kitchen sink, toilet and shower or bathtub and one or more of these facilities are used in common by other occupants in the structure.

(k) "Single-family residence" means a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit or has a common parking facility, it is a single-family residence if it has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment or any other essential facility or service with any other dwelling unit.

(l) "Tenant" means the lessee, sublessee or person entitled under a rental agreement to occupy a dwelling unit or premises to the exclusion of others or as is otherwise defined by law.

Substitute Senate Bill No. 1091

(m) "Tenement house" means any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yards.

Sec. 22. Subsection (a) of section 47a-21 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

As used in this chapter:

(1) "Accrued interest" means the interest due on a security deposit as provided in subsection (i) of this section, compounded annually to the extent applicable.

(2) "Commissioner" means the Banking Commissioner.

(3) "Escrow account" means any account at a financial institution which is not subject to execution by the creditors of the escrow agent and includes a clients' funds account.

(4) "Escrow agent" means the person in whose name an escrow account is maintained.

(5) "Financial institution" means any state bank and trust company, national bank, savings bank, federal savings bank, savings and loan association, and federal savings and loan association that is located in this state.

(6) "Forwarding address" means the address to which a security deposit may be mailed for delivery to a former tenant.

(7) "Landlord" means any landlord of residential real property, and includes (A) any receiver; (B) any successor; and (C) any tenant who

Substitute Senate Bill No. 1091

sublets his premises.

(8) "Receiver" means any person who is appointed or authorized by any state, federal or probate court to receive rents from tenants, and includes trustees, executors, administrators, guardians, conservators, receivers, and receivers of rent.

(9) "Rent receiver" means a receiver who lacks court authorization to return security deposits and to inspect the premises of tenants and former tenants.

(10) "Residential real property" means real property containing one or more residential units, including residential units not owned by the landlord, and containing one or more tenants who paid a security deposit.

(11) "Security deposit" means any advance rental payment, or any installment payment collected pursuant to section 47a-22a, except an advance payment for the first month's rent or a deposit for a key or any special equipment.

(12) "Successor" means any person who succeeds to a landlord's interest whether by purchase, foreclosure or otherwise and includes a receiver.

(13) "Tenant" means a tenant, as defined in section 47a-1, as amended by this act, or a resident, as defined in section 21-64.

(14) "Tenant's obligations" means (A) the amount of any rental or utility payment due the landlord from a tenant; [and] (B) a tenant's obligations under the provisions of section 47a-11; and (C) the actual reasonable cost of changing the locks of the dwelling unit pursuant to section 20 of this act, if the tenant has not paid such cost.