



Substitute Senate Bill No. 1118

Public Act No. 23-136

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

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

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 Section 46b-38j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(a) There is established a Family [Violence Model Policy Governing Council] Domestic Violence Criminal Justice Response and Enhancement Advisory Council for the purpose of evaluating and advising on the following matters, including, but not limited to: (1) [evaluating policies] Policies and procedures used by law enforcement agencies when responding to incidents of family violence, [and violations of restraining orders and protective orders, (2)] including reviewing and updating the model law enforcement policy on family violence for the state established in section 46b-38b, as amended by this act, [and (3) evaluating] (2) the accuracy of data collected by the Department of Emergency Services and Public Protection under section 46b-38d, and the Court Support Services Division under section 46b-38f, and collecting and analyzing any additional data related to domestic violence and the criminal justice response available from Judicial Branch court operations, state's attorneys, public defenders, domestic violence

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advocates, or domestic violence offender programs; (3) the domestic violence offender program standards established in section 46b-38m, as amended by this act, including reviewing and updating such standards as needed; (4) the pretrial family violence education program established in section 46b-38c, including eligibility criteria for such program; (5) dedicated domestic violence dockets established in section 51-181e, including state-wide expansion of such dockets; (6) the use of electronic monitoring as provided in section 46b-38c; (7) risk assessments used throughout a family violence case from arrest through adjudication; (8) arrest, prosecution, penalties and monitoring for violations of family violence restraining orders issued pursuant to section 46b-15 or criminal protective orders issued pursuant to section 46b-38c, 54-1k or 54-82r issued in family violence cases; (9) processing and execution of arrest warrants for incidents of family violence; (10) monitoring compliance, enforcement and victim notification of firearm seizure and surrender in family violence cases; (11) programming offered to individuals convicted of a family violence crime and currently incarcerated with the Department of Correction; and (12) training and education for criminal justice stakeholders including, but not limited to, training established pursuant to sections 46b-38b, as amended by this act, 46b-38c and 46b-38i.

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

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

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

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

(4) One [victim of domestic violence,] appointed by the majority

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leader of the Senate, who shall be a representative of a community-based organization that provides group counseling or treatment to persons who have committed acts of domestic violence;

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

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

(7) One appointed by the Governor;

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

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

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

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

(12) [One representative of the Division of State Police with experience in domestic violence training, and one commanding officer in the Division of State Police, each] Two appointed by the Commissioner of Emergency Services and Public Protection, one of whom shall be a representative of the Division of State Police with experience in domestic violence training and one of whom shall be commanding officer in the Division of State Police;

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

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

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

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

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

(17) The chairperson of the Board of Pardons and Paroles, or the

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chairperson's designee;

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

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

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

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

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

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

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

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

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

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

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

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

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as amended by this act.

Sec. 4. Section 2 of public act 23-106 is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

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

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

[(c)] (d) As used in this section, "injured spouse" means the spouse who has been the victim of a crime set forth in subsection (a) of this

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section, irrespective of whether physical injury occurred in the commission of such crime.

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