
OLR Bill Analysis

sSB 1091

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.

SUMMARY

This bill makes various changes in the laws relating to domestic violence, civil restraining orders, family violence, assistance programs, insurance discrimination, and certain crimes. Generally, it:

1. establishes a general definition of domestic violence that includes coercive control as a form of domestic violence (§ 1);
2. allows victims subject to coercive control by a family or household member to be eligible for civil restraining orders (§ 2);
3. requires the court to sanction a party that files frivolous and fabricated pleadings or motions (§ 9);
4. creates a grant program to provide free legal assistance to indigent restraining order applicants (§§ 18 & 19);
5. categorizes criminal violation of a protection order or condition of release as a family violence crime in certain circumstances (§§ 5 & 6);
6. establishes a time frame for U Nonimmigrant Status certification (§ 5);
7. requires courthouses constructed on or after July 1, 2021, to include a room for family violence victims and advocates (§ 10);

8. expands the “best interest of the child” factors in family relations matters to include the child’s physical and emotional health (§§ 7 & 8);
9. provides eligible domestic violence victims easier access to certain assistance programs (§§ 12-14);
10. prohibits insurance companies from denying or refusing coverage based on a person’s status as a domestic violence victim (§§ 15-17); and
11. expands the crimes of 1st, 2nd, and 3rd degree intimidation based on actions motivated in whole or in substantial part by certain attributes (§§ 21-23).

It also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2021, except (1) the U Nonimmigrant Status, state assistance programs, and secure courtroom provisions take effect on July 1, 2021, and (2) the legal assistance grant program provisions take effect upon passage.

§ 1 — DOMESTIC VIOLENCE

Family Relations Matters and Support

The bill creates a general definition for the term “domestic violence” and applies it to all provisions related to family relations matters (see BACKGROUND) and support. In doing so, it includes coercive control as a form domestic violence.

Under the bill, “domestic violence” means:

1. a continuous threat of present physical pain or physical injury against a family or household member;
2. stalking, including 2nd degree stalking, of a household or family member;
3. a pattern of threatening, including 2nd degree threatening, of a family or household member or a third party with intent to

intimidate the family or household member; or

4. coercive control of a 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

Under the bill, "coercive control" includes, unreasonably:

1. isolating the household or family member from friends, relatives, or other support;
2. depriving the household or family member of basic necessities;
3. controlling, regulating, or monitoring the household or family member's movements, communications, daily behavior, finances, economic resources, or access to services;
4. compelling the household or family member by force, threat, or intimidation, including, but not limited to, threats based on actual or suspected immigration status, to (a) engage in conduct from which they have a right to abstain or (b) abstain from conduct that they have a right to pursue;
5. committing or threatening to commit cruelty to animals that intimidates the applicant (presumably this refers to the family or household member); or
6. forcing the performance of sex acts, or making threats of a sexual nature, including threatened acts of sexual conduct, threats based on a person's sexuality, or threats to release sexual images.

Because the bill's definition applies to all of Title 46b unless context otherwise requires, the following provisions in existing law would specifically incorporate "domestic violence" as described above:

1. continuing restraining orders (CGS § 46b-15b);

2. various family violence investigations and programs (CGS §§ 46b-38b, -38c, -38g, -38j, 38k, 38l & -38m);
3. certain provisions on appointing guardians ad litem, custody decisions, and visitation rights (CGS §§ 46b-54, -56 & 59); and
4. certain paternity provisions (CGS § 46b-168a).

Family or Household Members

By law, “family or household members” are any of the following, regardless of age:

1. spouses or former spouses;
2. parents or their children;
3. people related by blood or marriage;
4. people not related by blood or marriage living together or who have lived together;
5. people who have a child in common, regardless of whether they are or have been married or have lived together; and
6. people who are or were recently dating (CGS § 46b-38a).

§ 9 — FRIVOLOUS CLAIMS

Under the bill, in any family relations matter, including restraining order actions involving domestic violence, if the court finds that a pattern of frivolous and intentionally fabricated pleadings or motions are filed by one party, then it must sanction the party in an appropriate manner that allows the matter to proceed without undue delay or obstruction.

§§ 2, 3, 18 & 19 — CIVIL RESTRAINING ORDERS

Eligibility to File Petition (§ 2)

The bill expands the eligibility criteria to petition the court for a restraining order, allowing domestic violence victims who are subject to coercive control by a family and household member to be eligible

petitioners.

Under existing law, any family or household member who has been subjected to continuous threats of present physical pain or physical injury, stalking, or a pattern of threatening, may apply to the Superior Court for a restraining order. By law a court may issue an order as it deems appropriate to protect the applicant and any dependent children or other people as it sees fit.

Statement of Conditions From Which Relief is Sought (§ 2)

Under current law, to obtain a restraining order, the victim must file an application and an affidavit made under oath that includes a brief statement of the condition from which relief is sought. Instead of an affidavit under oath, the bill requires the application to be accompanied only by the statement made under penalty of false statement.

A person is guilty of false statement, a class A misdemeanor, when he or she (1) intentionally makes a false written statement that he or she does not believe to be true with the intent to mislead a public servant in the performance of the public servant's official function and (2) makes the statement under oath or pursuant to a form providing notice, authorized by law, to the effect that false statements are punishable. A class A misdemeanor is punishable by a fine of up to \$2,000, up to 1 year in prison, or both (CGS § 53a-157b).

Service of Process (§ 2)

By law the court must hold a hearing on the application for a restraining order within 14 days of receiving the application. It must give the alleged offender at least three days' notice before the hearing, except it may issue an order without notice or hearing if there is an immediate and present physical danger to the applicant (i.e., ex parte order). If the court issues an ex parte order because the applicant indicates that the respondent holds a permit to carry a pistol or revolver or possesses firearms or ammunition, then the court must hold a hearing within seven days after issuing the ex parte order.

Under current law, the respondent must be served with a copy of the application and the applicant's affidavit. The bill instead makes the conforming change and requires that the respondent and the law enforcement agency, as applicable, be served with a copy of the application and the statement of the specific facts that form the basis for the relief made under penalty of false statement.

The bill also requires the proper officer responsible for the serving process to accept all documents in an electronic format if they are presented to him or her in that way.

Specific Court Order Disclosure (§ 2)

Under existing law, any civil restraining order the court makes must include specific language about what violation of the order constitutes 1st degree criminal trespass and the corresponding penalties. The court order must also include specific language about what constitutes a criminal violation of a civil restraining order and the corresponding penalties (CGS § 46b-15(e)).

The bill additionally requires that each applicant who receives a civil restraining order must be given a notice that contains the following specific 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 court proceeding remotely, pursuant to section 46b-15c, as amended by this act, if you provide notice to the court in advance. Please notify the court in writing 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." (The bill requires a similar notification for family violence protective orders, see § 6 below.)

Alternate Means of Obtaining Testimony (§ 3)

The bill requires, rather than allows, the court to take a person's testimony absent the person they are protected from.

Under current law, in any court proceeding in a family relations matter, the court may, within available resources and upon motion of

any party's attorney, order that the testimony of a party or a child who is a subject of the proceeding be taken outside the physical presence of any other party. This option applies only if a protective order (i.e., an order issued at the time of arraignment during a criminal proceeding), restraining order, or standing criminal protective order (i.e., an order issued at the end of a criminal case) has been issued on behalf of the party or child, and the other party is subject to it. The bill instead requires the court to make such an order upon the request of a party or his or her attorney.

Under the bill, a notice describing the alternative means of testifying must be:

1. posted on the Judicial Branch's website;
2. included in any written or electronic form that describes the automatic orders in cases involving a dissolution of marriage or legal separation; and
3. included in any written or electronic form provided to a person who applies for and receives a family violence protective order or a civil restraining order.

Legal Assistance Grant Program (§§ 18 & 19)

The bill (1) establishes a grant program to provide legal assistance to indigent individuals when applying for temporary restraining orders and (2) funds it by using money from state lawsuit settlements.

Administering Organization. The program must be administered by the organization that administers the program for the use of interest earned on lawyers' clients' funds accounts.

Request for Proposals (RFP). Under the bill, within three months of receiving funding each year (see "*Program Funding*" below), the administering organization must issue an RFP from nonprofit entities whose principal purpose is providing legal services to indigent individuals for the purpose of awarding grants. Under the program, the nonprofit entity will (1) provide counsel to indigent individuals

who are interested in applying for a restraining order and (2) represent the individuals throughout the process, including at prehearing conferences and at the hearing on an application, to the extent practicable within the funding awarded.

A nonprofit entity responding to the RFP may partner with law schools, other non-profit entities, or non-governmental, publicly funded organizations to provide services under a grant. Each RFP response must specify the judicial district courthouse or courthouses for which services will be provided.

Judicial Districts and Grant Amounts. The organization administering the program may only award a grant to provide services in the Fairfield, Hartford, New Haven, Stamford-Norwalk, or Waterbury judicial districts. Grants must not exceed \$200,000, except a grant to provide services in the judicial district with the highest average number of applications for civil restraining orders over the previous three fiscal years may receive a grant of up to \$400,000.

Grants may not be used to provide services to individuals who are not indigent.

Grant Eligibility. 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 it demonstrates the ability to:

1. verify, when meeting with a potential client, that he or she is indigent and meets applicable household income eligibility requirements the entity sets;
2. arrange for at least one individual who has relevant training or experience and is authorized to provide legal counsel regarding restraining orders to be present in the courthouse or courthouses identified in response to the RFP during all business hours;
3. provide continued representation to individuals throughout

and, if requested, after the restraining order process to the extent practicable within the funding awarded;

4. provide any individual in the courthouse who expresses an interest in applying for a restraining order with all applicable forms; and
5. track and report to the organization administering the program on the services provided, including (a) the procedural outcomes; (b) the number of instances where legal counsel was provided before filing an application but not during the remainder of the restraining order process and why; and (c) information on any other legal representation provided.

Grant Award Preference. In awarding grants, preference must be given to nonprofit entities with experience offering legal representation to individuals during the restraining order process or that (1) demonstrate the ability to provide legal representation to clients regarding matters ancillary to the circumstances that supported the restraining order application or (2) can provide quality remote services should courthouses be closed to the public.

Courthouse Office Space. The chief court administrator must provide each grant recipient with office space in the judicial district courthouse or courthouses to conduct intake interviews and assist clients with applications for restraining orders. The chief court administrator must also require court clerks at these courthouses, before accepting a restraining order application, to inform each applicant or person inquiring about filing an application about pro bono legal services that are available from the grant recipient for income-eligible individuals and where they can be found.

Judicial Branch Website Information. The bill requires the chief court administrator to post information about the pro bono legal services described above on the Judicial Branch's website where restraining order filing instructions are provided.

Analysis of Program Impact. Under the bill, for each year that the

program is funded, the organization administering the program must conduct, or partner with an academic institution or other qualified entity to conduct, an analysis of the program's impact, including the:

1. procedural outcomes for applications the program assisted with;
2. types and extent of legal services provided under the program, including on matters ancillary to the restraining order application; and
3. number of cases where legal services were provided before an application was filed but not during the restraining order process, and why.

Report to the Legislature. By July 1 of the year following any year in which the program received funding, the administering organization must report the results of the analysis to the Judiciary Committee.

Program Funding. During each of the FYs 22 & 23, the bill requires the Attorney General, utilizing transfer invoices, to remit \$1,250,000 to the organization administering the grant program (see § 18 above) from lawsuit settlements to which the state is a party. The FY 23 remittance must occur no later than one year after the FY 22 one. Moneys remitted to the organization must be used for the grant program. Up to 5% of the total amount an organization receives may be used for the reasonable administration costs, including the analysis and report the bill requires (see below).

§§ 4-6, 10, 11 & 20 — FAMILY VIOLENCE

Family Violence Crime (§ 4)

Under existing law, "family violence crime" means a crime other than a delinquent act, which, in addition to its other elements, contains an element of an act of family violence to a family or household member (CGS § 46b-38a(3)). "Family violence" is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury,

or assault, including stalking or a pattern of threatening between family or household members. It excludes verbal abuse or argument unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

The bill expands the definition of family violence crime to include 1st and 2nd degree violation of conditions of release and criminal violation of a protective order, a standing criminal protective order, or a restraining order when the condition of release or court order is issued for an act of family violence or a family violence crime.

Family Violence Protective Order (§ 6)

By law, a family violence protective order may include provisions necessary to protect the victim from threats, harassment, injury, or intimidation by the defendant.

Under the bill, each person who requests and receives a family violence protective order must 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 court proceeding remotely, pursuant to section 46b-15c, as amended by this act, if you provide notice to the court in advance. Please notify the court in writing 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.”

U Nonimmigrant Status (§ 5)

Under existing law, each law enforcement agency must designate at least one officer with supervisory duties to expeditiously process, upon the request of a family violence or other crime victim who is an undocumented individual applying for U Nonimmigrant Status, a certification of helpfulness and any subsequent certification the victim requires. (U Nonimmigrant Status is for victims of certain crimes, such as human trafficking, who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.)

Required Time Frame. The bill defines the term “expeditiously,” and in so doing requires each law enforcement agency, starting July 1, 2021, to provide the certification:

1. within 60 days after receiving the request for certification of helpfulness or
2. within 14 days after receiving the request if (a) the victim is in federal immigration removal proceedings or detained or (b) the victim’s child, parents, or siblings would become ineligible for an immigration benefit by virtue of the victim or his or her sibling attaining age 18 years or the victim’s child attaining age 21 years.

Certification. Under the bill, by signing a certification of helpfulness, the officer or agency is not determining eligibility for U Nonimmigrant Status but only providing information the U.S. Department of Homeland Security requires, certifying that the:

1. requesting individual or his or her family member is a victim of one of the enumerated crimes eligible for U Nonimmigrant Status (e.g., human trafficking);
2. victim possesses or possessed information regarding that crime;
3. victim has been, is being, or is likely to be helpful in investigating that crime; and
4. victim has not failed or refused to provide reasonably requested information or assistance.

The bill specifies that a current or ongoing investigation, filing of criminal charges, prosecution, or conviction is not required for a victim to request and obtain certification.

Secure Courthouse Room (§ 10)

By law, in each court where family matters or family violence matters are heard or a domestic violence docket is located, the chief court administrator must provide a secure room for family violence

crime victims and advocates that is separate from any public or private court area intended to accommodate the respondent or defendant or their family, friends, attorneys, or witnesses and separate from the state's attorney's office, provided the room is available and its use is practical. The bill requires all courthouses constructed on or after July 1, 2021, to include such a room.

Family Violence Victim Advocate (§ 11)

The bill expands the judicial districts within which the chief court administrator must allow one or more family violence victim advocates to provide services to domestic violence victims.

Under current law, the chief court administrator must allow these services in the Superior Court's Family Division in one or more judicial districts. The bill instead requires that they are provided in the Superior Court's Family Division in each judicial district and in each geographical area court.

Additionally, under the bill, a family violence victim advocate providing services in the Superior Court's Family Division or a geographical area court must be given, upon request, a copy of any police report required to perform his or her duties that is in the possession of the state's attorney, the Department of Emergency Services and Public Protection's Division of State Police, any municipal police department, or any other law enforcement agency.

Conditions of Release (§ 20)

The bill expands the factors the court may consider when determining what release conditions will reasonably ensure the arrested person's appearance in court and that the safety of any other person will not be endangered.

Under existing law, in determining what release conditions will reasonably ensure the arrested person's appearance, the court may consider the nature and circumstances of the offense and the person's record of prior convictions, past record of court appearance, family ties, employment record, financial resources, character, mental

condition, and community ties.

Under the bill, in the case of a 2nd degree violation of a condition of release that was issued for a family violence crime, the court may also consider the heightened risk posed to family violence victims by violations of release conditions.

Similarly, the bill allows the court to consider the heightened risk posed to family violence victims when determining release conditions for people charged with certain class A, B, or C felonies.

Under existing law, the court may consider factors such as the person's past record of court appearance after being admitted to bail and the number and seriousness of charges pending against the arrested person.

§§ 7 & 8 — “BEST INTEREST OF THE CHILD” FACTORS

The bill expands the list of factors a guardian ad litem (GAL) or counsel for the minor child (CMC) must consider in determining a child's best interest to include the child's physical and emotional safety. The bill makes the same change to the list of factors a court must consider in custody decisions.

Guardians ad Litem and Counsels for the Minor Child (§ 7)

By law, a GAL is someone, not necessarily an attorney, who the court appoints during certain proceedings to gather information at its request and report on what he or she believes is in a person's best interest. A CMC is an attorney appointed by the court to advocate in court for a minor child's (under age 18) best interest.

By law, a court may appoint a GAL or CMC in all matters pertaining to the interests of any child, including the custody, care, support, education, and visitation of the child, so long as the court deems such representation to be in the minor child's best interest. The law also provides a list of factors GAL and CMC must consider in determining the child's best interest, such as the effect of an abuser's actions on the child, whether any domestic violence has occurred between the parents or between a parent and another individual or the

child, whether the child or his or her sibling has been abused or neglected, and the stability of the child's existing or proposed residence.

Court Orders and Modifications (§ 8)

By law the court may make or modify any order regarding the custody, care, education, visitation, and support of the children in its jurisdiction. Under the law, the court in its best judgment may assign parental responsibility for raising the child to (1) the parents jointly, (2) either parent, or (3) a third party. The court may make and modify any order considering, among other things, both parents' rights and responsibilities and other custody arrangements as the court determines to be in the child's best interest. Under existing law, the "best interest of the child" factors the court must consider are the same as described above for GALs and CMCs. The bill similarly expands the list of factors the court, in making and modifying orders, must consider when determining the child's best interest by requiring the court to also consider the child's physical and emotional safety.

§§ 12-14 — ASSISTANCE PROGRAMS

Under the bill's assistance program provisions below, a "domestic violence victim" is someone who has been abused or subjected to extreme cruelty by physical acts that resulted in or were threatened to result in physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

Supplemental Nutrition Assistance Program (SNAP) (§ 12)

The bill requires the Department of Social Services (DSS) commissioner to expedite SNAP eligibility determinations for domestic violence victims. It requires her to provide an eligible domestic violence victim temporary SNAP benefits for a minimum of 90 days before redetermining benefit eligibility. When calculating the victim's household income as part of an expedited initial eligibility determination, DSS must exclude the income of the victim's spouse, domestic partner, or other household member credibly accused. DSS

must take these actions to the extent permissible under federal law.

SNAP is a federally-funded, state-administered program that provides electronic benefit transfer funds to low-income households for food purchases. (Domestic violence victims are not entitled to expedited SNAP benefits under current federal regulations but may be otherwise eligible if they meet the established income standards; see BACKGROUND.)

Child Care Subsidy Program (§ 13)

The bill requires the Office of Early Childhood (OEC) commissioner, to the extent permissible under federal law and within available appropriations, to waive the Care 4 Kids (C4K) income standards when determining eligibility for at least 90 days from the application date for any alleged domestic violence victim applicant. After which, it requires the OEC commissioner to redetermine eligibility based on the program's income standards. The bill also adds domestic violence victims to the list of applicants who must be given priority in the C4K intake and eligibility process, to the extent permissible under federal law.

The C4K program subsidizes child care costs for low- and moderate-income families while a parent is working or attending a temporary family cash assistance-approved education or training program (i.e., Jobs First).

SAGA Cash Assistance Program (§ 14)

Under the bill, in determining eligibility for SAGA cash assistance, the DSS commissioner must exclude the income of a domestic violence victim's spouse, domestic partner, or other household member credibly accused of domestic violence for at least 90 days from the application date, within available appropriations. It requires DSS to redetermine eligibility after the 90-day period.

In general, SAGA provides cash assistance to single or married childless individuals who have very low incomes, do not qualify for any other cash assistance program, and are considered "transitional"

or “unemployable.”

Substantiated Allegations (§§ 12-14)

The bill specifies that for the SNAP, C4K program, and SAGA food assistance programs, the OEC commissioner may substantiate the allegations of domestic violence.

By law, allegations by a domestic violence victim may be enough to establish domestic violence where DSS has no independent, reasonable basis to find the applicant or recipient not credible. A victim may be required to provide a sworn statement or to submit to the department any available evidence including the following: (1) police, government agency, or court records; (2) documentation from a shelter worker or legal, medical, clerical, or other professional from whom the applicant or recipient sought assistance in dealing with domestic violence; or (3) a statement from someone with knowledge of the circumstances that provide the basis for the claim (CGS § 17b-112a).

§§ 15-17 — INSURANCE

Under the bill’s insurance coverage prohibitions below, a “domestic violence victim” is someone who has been abused or subjected to extreme cruelty by physical acts that resulted in or were threatened to result in physical injury; sexual abuse; sexual activity involving a child in the home; being forced to participate in nonconsensual sexual acts or activities; threats of or attempts at physical or sexual abuse; mental abuse; or neglect or deprivation of medical care.

Individual and Group Health Insurance (§§ 15 & 17)

Current law makes it an unfair insurance practice for health insurers to refuse to insure, refuse to continue to insure, or limit the amount, extent, or kind of coverage available to an individual or charge a different rate for the same coverage because the person has been a victim of family violence. The bill applies these restrictions based instead on the person’s status as a domestic violence victim as defined above.

Under existing law, these provisions apply to individual and group

health insurance policies delivered, issued, renewed, amended, or continued in Connecticut that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. It also applies to individual health insurance policies that cover (1) limited benefits and (2) accidents only. The bill additionally applies this prohibition to disability income protection policies.

Property and Casualty (§§ 15 & 17)

The bill also prohibits property and casualty insurers from making any distinction or discriminating against a person when issuing, renewing, amending, or terminating a policy or setting premiums or coverage terms because the person has been a domestic violence victim.

Life Insurance (§ 16)

Under existing law, life insurance companies are prohibited from engaging in discriminatory practices based on race. Generally, the law prohibits life insurance companies doing business in the state from:

1. making any distinction or discrimination between individuals based on race as to the premiums or rates charged for policies upon the lives of such persons;
2. demanding or requiring greater premiums from individuals of one race than what at that time is required by that company from individuals of another race; or
3. making or requiring any rebate, diminution, or discount based on race.

The bill expands this by including domestic violence victim status as an additional basis on which life insurance companies are prohibited from discriminating.

Unfair Insurance Practices Act (§§ 15-17)

The bill makes violations of any of the above provisions a Connecticut Unfair Insurance Practices Act violation.

The law prohibits engaging in unfair or deceptive acts or practices in the business of insurance. It authorizes the insurance commissioner to conduct investigations and hearings, issue cease and desist orders, impose fines, revoke or suspend licenses, and order restitution for per se violations (i.e., violations specifically listed in statute). The law also allows the commissioner to ask the attorney general to seek injunctive relief in Superior Court if he believes someone is engaging in other unfair or deceptive acts not specifically defined in statute.

Fines may be up to (1) \$5,000 per violation to a \$50,000 maximum or (2) \$25,000 per violation to a \$250,000 maximum in any six-month period if the violation was knowingly committed. The law also imposes a fine of up to \$50,000, in addition to or in lieu of a license suspension or revocation, for violating a cease and desist order.

§§ 21 & 23 — INTIMIDATION BASED ON BIGOTRY OR BIAS

Under current law, the crimes of 1st, 2nd, and 3rd degree intimidation based on bigotry or bias address certain actions that intimidate or harass another person because of his or her actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, or gender identity or expression.

The bill expands these crimes to include any such action that is motivated in whole or in substantial part by any of the attributes listed above, whether actual or perceived.

First-Degree Intimidation (§ 21)

Under current law, a person commits the 1st degree crime of intimidation based on bigotry or bias if he or she, maliciously and with specific intent to intimidate or harass someone because of any of the attributes listed above, whether actual or perceived, caused physical injury to that person or a third person (CGS § 53a-181j).

By law, 1st degree intimidation is a class C felony punishable by a fine of up to \$10,000 with a \$3,000 minimum, up to 10 years in prison, or both.

Second-Degree Intimidation (§ 22)

Under current law a person commits the 2nd degree crime of intimidation if he or she acts maliciously and with specific intent to intimidate or harass another individual or a group of people because of any of the attributes listed above, whether actual or perceived, by:

1. making physical contact with the victim;
2. damaging, destroying, or defacing property; or
3. threatening to do either of these things, and the victim has reasonable cause to believe he or she will carry out the threat (CGS § 53a-181k).

By law, 2nd degree intimidation is a class D felony punishable by a fine of up to \$5,000 with a \$1,000 minimum, up to five years in prison, or both.

Third-Degree Intimidation (§ 23)

Under current law, a person commits the 3rd degree crime if he or she intends to intimidate or harass someone or a group of people because of any of the attributes listed above, whether actual or perceived, and he or she (1) damages, destroys, or defaces any property or (2) threatens to do so by word or act or advocates or urges another person to do so and gives the victim reasonable cause to believe the act will occur (CGS § 53a-181).

By law, 3rd degree intimidation is a class E felony punishable by a fine of up to \$3,500 with a \$1,000 minimum, up to three years in prison, or both.

BACKGROUND

Related Bills

sHB 6321 (File 461), favorably reported by the Judiciary Committee, adopts the Uniform Parentage Act which, among other things, (1) provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates “best interest of the child” factors that the court must consider); (2) provides the process for establishing acknowledged parentage through an acknowledgment

agreement; and (3) provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement.

In doing so, the bill also makes conforming changes throughout the statutes addressing things such as family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support) and process in certain civil actions (e.g., paternity, support, and costs and fees related to wills and trusts).

sHB 6520 (File 343), favorably reported by the Human Services Committee, has provisions identical to the sections of this bill that pertain to assistance programs (§§ 12-14).

HB 6590 (File 346), favorably reported by the Insurance and Real Estate Committee, contains substantially similar provisions about discriminatory actions by insurers on the basis of domestic violence victim status (§§ 15-17).

Family Relations Matters

By law, “family relations matters” generally include divorce; legal separation; annulment; alimony; support; custody; visitation; civil restraining orders; name change; civil support obligations; petitions on behalf of a mentally ill person not charged with a crime; wrongful convictions; juvenile matters; paternity; appeals from probate court decisions about adoption, termination of parental rights, appointment and removal of guardians, custody of a minor child, appointment and removal of conservators, child custody orders, and other commitment orders; actions related to prenuptial and separation agreements and to matrimonial and civil union decrees of a foreign jurisdiction; dissolution, legal separation, or annulment of a civil union performed in a foreign jurisdiction; interstate child custody matters; and all other matters within the Superior Court’s jurisdiction about children or family relations as the court determines (CGS § 46b-1).

Expedited SNAP Benefits

Under federal regulations, DSS must post expedited SNAP benefits

to the household's electronic benefit transfer (EBT) card by the seventh calendar day following its application filing date (7 C.F.R. § 273.2(i)(3)(i)). This time limit would also apply to residents of shelters for battered women and children who are otherwise entitled to expedited service (7 C.F.R. § 273.2(i)(3)(v)).

The following households are entitled to expedited service:

1. households with less than \$150 in monthly gross income, provided their liquid resources (e.g., cash, checking, or savings accounts) do not exceed \$100;
2. migrant or seasonal farmworker households that are destitute, provided their liquid resources do not exceed \$100; and
3. households with a combined monthly gross income and liquid resources that are less than their monthly rent or mortgage, and utilities (7 C.F.R. § 273.2(i)(1)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 4 (04/08/2021)