



House of Representatives

General Assembly

File No. 593

January Session, 2023

Substitute House Bill No. 6887

House of Representatives, April 13, 2023

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ADDITIONAL LEGAL PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE.

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

1 Section 1. Subsection (f) of section 46b-38c of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2023*):

4 (f) The Judicial Department [may] shall establish [, within available
5 appropriations, a pilot program in three judicial districts] a program
6 within each judicial district for the purpose of using electronic
7 monitoring in accordance with this subsection. [Such pilot program
8 shall be conducted in at least one judicial district that contains an urban
9 area, as defined in section 4b-13, and at least one judicial district that
10 does not contain such an urban area. Pursuant to such pilot] Under the
11 program, the court may order that any person appearing in such judicial
12 district who is charged with the violation of a restraining order or a
13 protective order, and who has been determined to be a high-risk
14 offender by the family violence intervention unit, be subject to electronic

15 monitoring designed to warn law enforcement agencies, a state-wide
 16 information collection center and the victim when the person is within
 17 a specified distance of the victim, if the court finds that such electronic
 18 monitoring is necessary to protect the victim. [, provided the cost of such
 19 electronic monitoring is paid by the person who is subject to such
 20 electronic monitoring, subject to guidelines established by the Chief
 21 Court Administrator.] If the court orders that such person be subject to
 22 electronic monitoring, the clerk of the court shall send, by facsimile or
 23 other means, a copy of the order, or the information contained in any
 24 such order, to the law enforcement agency or agencies for the town in
 25 which the person resides. [The Judicial Department shall cease
 26 operation of any pilot program established under this subsection not
 27 later than March 31, 2011, unless resources are available to continue
 28 operation of the pilot program. On and after July 1, 2012, the Judicial
 29 Department may resume operation of the pilot program, within
 30 available resources, and may operate such pilot program in one or more
 31 additional judicial districts, within such available resources.] The
 32 Judicial Branch shall establish, within available appropriations, the
 33 program within each judicial district not later than October 1, 2025.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	46b-38c(f)

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Judicial Dept. (Probation)	GF - Cost	2,555,000	4,535,000
State Comptroller - Fringe Benefits ¹	GF - Cost	442,000	524,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill expands the Judicial Department electronic monitoring program to each judicial district which results in an estimated cost of \$2.5 million in FY 24² and an estimated cost of \$4.5 million in FY 25³. The cost increases in FY 25 when the program is to be fully implemented. This program would need to be staffed by about 15 new positions and require equipment and operating expenses as well as contracted victim services costs. The cost to the State Comptroller for fringe benefits is estimated to be about \$442,000 in FY 24 and \$524,000 in FY 25.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the actual number of GPS monitoring clients.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

² Personal Services \$1,032,000, Other Expenses \$50,000, Equipment Cost \$23,000, Contracted Victim Services \$850,000, and \$600,000 GPS Monitoring

³ Personal Services \$1,224,000, Other Expenses \$61,000 Contracted Victim Services \$850,000, and \$2,400,000 GPS Monitoring

OLR Bill Analysis**sHB 6887*****AN ACT CONCERNING ADDITIONAL LEGAL PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE.*****SUMMARY**

This bill expands and makes permanent the Judicial Department's electronic monitoring pilot program for family violence offenders by requiring the department, within available appropriations, to establish the program in each judicial district by October 1, 2025. Current law allows, but does not require, the department to establish the pilot program, within available appropriations, in three judicial districts. (It has operated in the Bridgeport, Danielson, and Hartford judicial districts since 2010.)

The bill eliminates current law's requirement that the person subject to the electronic monitoring pay the cost of it, subject to the chief court administrator's guidelines.

It also eliminates an obsolete provision on the pilot program's initial funding and operation.

Under existing law, unchanged by the bill, the program authorizes the court to order someone to be placed under electronic monitoring if the (1) court finds it necessary to protect the victim and (2) offender is charged with violating a restraining or protective order and found to be a high-risk offender by the family violence intervention unit.

By law, the electronic monitoring warns law enforcement agencies, a statewide information collection center, and the victim when the offender is within a specified distance of the victim. The court clerk must send a copy of an order placing someone under electronic monitoring, or the information the order contains, to the law enforcement agencies for the town where the person lives.

EFFECTIVE DATE: July 1, 2023

BACKGROUND

Family Violence

By law, “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)).

Family Violence Crime

By 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. It does not include acts by parents or guardians disciplining minor children unless they constitute abuse (CGS § 46b-38a(3)).

Related bill

SB 5, favorably reported by the Judiciary Committee, has similar provisions expanding the electronic monitory program statewide. However, it also allocates funds for FYs 24 & 25 to the Judicial Department’s Office of Victim Services and the Department of Social Services for victim service providers and domestic violence child and family advocates respectively.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 37 Nay 0 (03/27/2023)