

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: HB-6887

AN ACT CONCERNING ADDITIONAL LEGAL PROTECTIONS FOR VICTIMS

Title: OF DOMESTIC VIOLENCE.

Vote Date: 3/27/2023

Vote Action: Joint Favorable Substitute

PH Date: 3/22/2023

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

This bill aims to decrease the incidents of domestic violence by providing greater protections for victims and implementing plans within the Judicial Branch, Department of Correction and the Office of the Victim Advocate.

SUBSTITUTE LANGUAGE:

The substitute language strips the bill apart from section three. Section three of the bill regarding the expansion of GPS monitoring for those who violate restraining and protective orders is renumbered as section one.

RESPONSE FROM ADMINISTRATION/AGENCY:

Carleton Giles, Chairperson, Board of Pardons and Paroles: The testimony supports the substitute language in 2(f) which prevents the board from acting on murderers of special circumstances.

Judicial Branch, External Affairs Division: The testimony seeks to offer implementation suggestions. With reference to the expansion of the electronic monitoring system, the Judicial Branch notes that a fully dedicated Family Relations Counselors team would be needed to implement the system effectively; included in the testimony is a breakdown of the projected costs required. They also raise concerns with the workload scheduled to be placed on the victim advocates office, which may end up slowing down court cases which could otherwise

be expedited. The Judicial branch therefore suggests that the implementation time be shifted to January 1, 2024, to allow for more time to accommodate changes in complexity.

Natasha Pierre, State Victim Advocate, Office of the Victim Advocate: The State Victim Advocate supports section three of the bill. They note that section four would require further staffing of the DOC VSU (which currently has one employee), however opposes section five on the grounds that it is not clear what the purpose of further involvement by the OVA is.

Deborah Sullivan, Legal Counsel, Office of the Chief Public Defender: The testifier takes strong opposition to section one and expressed concerns for sections two and five. With respect to section one, their opposition fixates on the use of vague language, with the possibility of charging even those who are involved in verbal altercations exclusively in a domestic situation. They note that victims of sex trafficking who kill their abuser would be sentenced to life without parole under this bill. With respect to section two, the testimony expresses opposition to the removal of a second hearing for under 18-year-old offenders once they reach the age of 18, in line with Supreme Court caselaw and understanding of the human brain. With respect to section five, the testimony expresses opposition because of vague language between lines 137 and 139; they provide suggested alternative language which clarifies the purpose of the bill.

NATURE AND SOURCES OF SUPPORT:

Anonymous: Testimony was submitted without attribution in support of the bill with a suggestion of adding a minimum time for notice in section five to ensure crime victims are given sufficient time to prepare their appearances/participation. They also suggest a notice be provided to children or children's advocates.

Erin Bond: The testimony supports the bill out of personal loss and concern at the ability for murderers to be released from prison early, supporting the mandatory sentencing to life without possibility of parole. It is their belief that families who have received a life sentence of suffering should know that the killer also receives a life sentence without having to continuously protest their release.

Susan Bradford: The testimony expresses support for the bill.

Representative Vincent Candelora, Connecticut General Assembly: The testifier supports section 3 of the bill, which expands the use of electronic monitoring for individuals charged with violating a restraining order. Representative Candelora notes that the case of Julie Minogue was one which could have been impacted to help prevent the frequent restraining order violator who killed her. The Representative also supports section 4, which expands the notice given to protected persons of restraining order when the process of hearing release from confinement is underway. Finally, the Representative supports section 5, which requires involvement from the Office of the Victims Advocate for further court proceedings, especially in-chamber discussions.

Representative Holly Cheeseman, Connecticut General Assembly: She expressed support for the bill as it furthers protection of victims of domestic violence.

Representative Kathy Kennedy, Connecticut General Assembly: She testified in support of the bill as a response to increasing domestic violence. She would like to see the inclusion of the word "likelihood" in the decision as to whether a restraining order may be instituted, as imminent and present physical danger is often insufficient to obtain one.

Carrie Delaney: The testifier expresses support for the bill, with personal connections to the case of Emily Todd, who was killed by a dating associate at the age of just 25. They express a desire to not be traumatized year after year with hearings concerning early release for Emily's killer.

Robin Delaney: The testifier, also being a relative of Emily Todd, notes that had she been under 16, her death would be treated differently, despite her still relative youth at 25. They therefore express support for a reassurance that killers will be given life without parole.

Christopher Dukes, Justice4Dukes Coalition: The testimony expresses support for the bill.

Janice Fitzgerald: The testimony expresses support for the inclusion of the Office of the Victim Advocate in all court proceedings related to the case, the expansion of the electronic monitoring program, and the categorizing of family, intimate partner, and domestic violence murder to the special circumstance murders.

Jennifer Lawlor, Cofounder, Violent Crime Survivor: The testimony expresses support for the bill out of personal experience of being the mother of Emily Todd. They provide a list of 1,341 signatures of people who also support the bill. It is the belief of the testifier that the burden of the process to participate in public hearings and provide testimony on families is enormous. The testimony supports defining more intimate killings as murder instead of the lesser charge of manslaughter, and the difference in minimum year sentences associated with this.

Michele Voigt, Cofounder, Violent Crime Survivors: The testimony supports the addition of family murder to murder with special circumstances. They also support adding meaningful participation by the Office of the Victims Advocate to proceedings relating to domestic violence. They note the levels of family homicide. The testimony discusses how the defense of "heat of the moment" killing is eliminated by classification as a special circumstance killing, and often without this classification the imprisonment term is less than the duration they had been terrorizing their victim. The testimony notes that deterrence is one factor in punitive laws, however justice is also important, and regardless of how the sentence duration impacts the probability of a heinous act from happening, just as important is the social justice experienced by the friends and family of the departed. The testifier suggests the modification of adding "Domestic Violence" to lines 46b-38a, with provided language to the effect. Finally, they also suggest altering the bill to prevent victims of domestic abuse from being prosecuted if they are acting in self-defense.

Meghan Scanlon, President, CCADV: The testifier has been a proponent of expanded electronic monitoring for many years, with note that there are significant financial costs attached to the program. They suggest that additional dedicated staffing be allocated to the program, as well as increasing the penalties for tampering with or damaging monitoring devices.

NATURE AND SOURCES OF OPPOSITION:

Jess Zaccagnino, Policy Counsel, ACLU: The ACLU expresses opposition to the bill for its creation of greater mass incarceration. With respect to Special Circumstances, the testifier states that it is the policy of the ACLU to support everyone being eligible for a pardon. The testimony states that electronic monitoring has no deterring impact on likelihood of recidivism, whilst having substantial social and financial costs associated with it. The ACLU takes a strong stance in favor of the rights for offenders to participate in society and therefore opposes blanket permanent imprisonment.

Reported by: James McNealey

Date: March 30, 2023