



General Assembly

January Session, 2023

***Raised Bill No. 6887***

LCO No. 5724



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***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. Section 53a-54b of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 A person is guilty of murder with special circumstances who is  
4 convicted of any of the following and was eighteen years of age or older  
5 at the time of the offense: (1) Murder of a member of the Division of  
6 State Police within the Department of Emergency Services and Public  
7 Protection or of any local police department, a chief inspector or  
8 inspector in the Division of Criminal Justice, a state marshal who is  
9 exercising authority granted under any provision of the general statutes,  
10 a judicial marshal in performance of the duties of a judicial marshal, a  
11 constable who performs criminal law enforcement duties, a special  
12 policeman appointed under section 29-18, a conservation officer or  
13 special conservation officer appointed by the Commissioner of Energy  
14 and Environmental Protection under the provisions of section 26-5, an  
15 employee of the Department of Correction or a person providing

16 services on behalf of said department when such employee or person is  
17 acting within the scope of such employee's or person's employment or  
18 duties in a correctional institution or facility and the actor is confined in  
19 such institution or facility, or any firefighter, while such victim was  
20 acting within the scope of such victim's duties; (2) murder committed  
21 by a defendant who is hired to commit the same for pecuniary gain or  
22 murder committed by one who is hired by the defendant to commit the  
23 same for pecuniary gain; (3) murder committed by one who has  
24 previously been convicted of intentional murder or of murder  
25 committed in the course of commission of a felony; (4) murder  
26 committed by one who was, at the time of commission of the murder,  
27 under sentence of life imprisonment; (5) murder by a kidnapper of a  
28 kidnapped person during the course of the kidnapping or before such  
29 person is able to return or be returned to safety; (6) murder committed  
30 in the course of the commission of sexual assault in the first degree; (7)  
31 murder of two or more persons at the same time or in the course of a  
32 single transaction; [or] (8) murder of a person under sixteen years of age;  
33 or (9) murder committed in the course of commission of a family  
34 violence crime, as defined in section 46b-38a.

35 Sec. 2. Subsection (f) of section 54-124a of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective October*  
37 *1, 2023*):

38 (f) [The] Except as provided in this subsection, the Board of Pardons  
39 and Paroles shall have independent decision-making authority to (1)  
40 grant or deny parole in accordance with sections 54-125, 54-125a, 54-  
41 125e and 54-125g, (2) establish conditions of parole or special parole  
42 supervision in accordance with section 54-126, (3) rescind or revoke  
43 parole or special parole in accordance with sections 54-127 and 54-128,  
44 (4) grant commutations of punishment or releases, conditioned or  
45 absolute, in the case of any person convicted of any offense against the  
46 state and commutations from the penalty of death in accordance with  
47 section 54-130a, (5) discharge any person on parole or inmate eligible for  
48 parole from the custody of the Commissioner of Correction pursuant to  
49 section 54-129, and (6) terminate special parole in accordance with

50 section 54-129. The Board of Pardons and Paroles may not take any  
51 action authorized pursuant to the provisions of this subsection when a  
52 person has been convicted of murder with special circumstances under  
53 section 53a-54b, as amended by this act.

54 Sec. 3. Subsection (f) of section 46b-38c of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
56 *2023*):

57 (f) The Judicial Department [may] shall establish [, within available  
58 appropriations, a pilot program in three judicial districts] a program  
59 within each judicial district for the purpose of using electronic  
60 monitoring in accordance with this subsection. [Such pilot program  
61 shall be conducted in at least one judicial district that contains an urban  
62 area, as defined in section 4b-13, and at least one judicial district that  
63 does not contain such an urban area. Pursuant to such pilot] Under the  
64 program, the court may order that any person appearing in such judicial  
65 district who is charged with the violation of a restraining order or a  
66 protective order, and who has been determined to be a high-risk  
67 offender by the family violence intervention unit, be subject to electronic  
68 monitoring designed to warn law enforcement agencies, a state-wide  
69 information collection center and the victim when the person is within  
70 a specified distance of the victim, if the court finds that such electronic  
71 monitoring is necessary to protect the victim. [, provided the cost of such  
72 electronic monitoring is paid by the person who is subject to such  
73 electronic monitoring, subject to guidelines established by the Chief  
74 Court Administrator.] If the court orders that such person be subject to  
75 electronic monitoring, the clerk of the court shall send, by facsimile or  
76 other means, a copy of the order, or the information contained in any  
77 such order, to the law enforcement agency or agencies for the town in  
78 which the person resides. [The Judicial Department shall cease  
79 operation of any pilot program established under this subsection not  
80 later than March 31, 2011, unless resources are available to continue  
81 operation of the pilot program. On and after July 1, 2012, the Judicial  
82 Department may resume operation of the pilot program, within  
83 available resources, and may operate such pilot program in one or more

84 additional judicial districts, within such available resources.] The  
85 Judicial Branch shall establish, within available appropriations, the  
86 program within each judicial district not later than October 1, 2025.

87 Sec. 4. Section 18-78b of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2023*):

89 There is established a Victim Services Unit within the Department of  
90 Correction. The duties and responsibilities of the unit shall include, but  
91 not be limited to: (1) Receiving notices pursuant to section 54-227 from  
92 inmates applying for release or sentence reduction or review, persons  
93 applying for exemption from the registration requirements of section 54-  
94 251 and persons filing a petition for an order restricting the  
95 dissemination of registration information or removing such restriction  
96 pursuant to section 54-255, (2) receiving requests for notification from  
97 victims of crime or members of an inmate's immediate family pursuant  
98 to section 54-228, and receiving notices of changes of address from  
99 victims pursuant to said section, (3) receiving requests for notification  
100 from prosecuting officials pursuant to section 54-229, [and] (4) notifying  
101 persons pursuant to section 54-230a who have requested to be notified  
102 pursuant to section 54-228 or 54-229, and (5) providing written notice to  
103 any person listed as a protected person on a restraining order, protective  
104 order, standing criminal protective order or foreign order of protection  
105 of (A) the date on which an inmate, who is the subject of such order, is  
106 to be released from confinement in a correctional institution, and (B) the  
107 process for filing a complaint under section 54-1r if the protected person  
108 receives an electronic or telephonic communication that the person  
109 believes may constitute a violation of section 53a-223, 53a-223a or 53a-  
110 223b, when the protected person has requested such notification from  
111 the Department of Correction and provided the commissioner with a  
112 current address.

113 Sec. 5. Section 46a-13c of the general statutes is repealed and the  
114 following is substituted in lieu thereof (*Effective October 1, 2023*):

115 The Victim Advocate may, within available appropriations:

116 (1) Evaluate the delivery of services to victims by state agencies and  
117 those entities that provide services to victims, including the delivery of  
118 services to families of victims by the Office of the Chief Medical  
119 Examiner;

120 (2) Coordinate and cooperate with other private and public agencies  
121 concerned with the implementation, monitoring and enforcement of the  
122 constitutional rights of victims and enter into cooperative agreements  
123 with public or private agencies for the furtherance of the constitutional  
124 rights of victims;

125 (3) Review the procedures established by any state agency or other  
126 entity providing services to victims with respect to the constitutional  
127 rights of victims;

128 (4) Receive and review complaints of persons concerning the actions  
129 of any state or other entity providing services to victims and investigate  
130 those where it appears that a victim or family of a victim may be in need  
131 of assistance from the Victim Advocate;

132 (5) File a limited special appearance in any court proceeding for the  
133 purpose of advocating for any right guaranteed to a crime victim by the  
134 Constitution of the state or any right provided to a crime victim by any  
135 provision of the general statutes, and, with respect to any matter in  
136 which a limited special appearance has been filed, shall receive notice of  
137 any scheduled court proceeding affecting the case and have the  
138 affirmative right to participate in any court discussions relating to such  
139 proceeding;

140 (6) Ensure a centralized location for victim services information;

141 (7) Recommend changes in state policies concerning victims,  
142 including changes in the system of providing victim services;

143 (8) Conduct programs of public education, undertake legislative  
144 advocacy, and make proposals for systemic reform;

145 (9) Monitor the provision of protective services to witnesses by the

146 Chief State's Attorney pursuant to section 54-82t; and

147 (10) Take appropriate steps to advise the public of the services of the  
148 Office of the Victim Advocate, the purpose of the office and procedures  
149 to contact the office.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	53a-54b
Sec. 2	<i>October 1, 2023</i>	54-124a(f)
Sec. 3	<i>July 1, 2023</i>	46b-38c(f)
Sec. 4	<i>October 1, 2023</i>	18-78b
Sec. 5	<i>October 1, 2023</i>	46a-13c

**Statement of Purpose:**

To (1) permit a sentence of life imprisonment without the possibility of release for those who commit murder in the course of a family violence crime, (2) prohibit the Board of Pardons and Paroles from taking any action in matters involving a conviction for murder with special circumstances, (3) provide for state-wide expansion of the electronic monitoring program for those who violate restraining orders and protective orders, (4) require the Victim Services Unit of the Department of Correction to provide certain information to enhance the safety of persons protected under court orders, and (5) ensure meaningful participation by the Office of the Victim Advocate on behalf of a victim of domestic violence in court proceedings relating to the acts of domestic violence.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*