



House of Representatives

General Assembly

File No. 287

February Session, 2024

Substitute House Bill No. 5399

House of Representatives, April 4, 2024

The Committee on Public Safety and Security reported through REP. BOYD of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE CRIMINAL JUSTICE RESPONSE TO VICTIMS OF SEXUAL ASSAULT.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) (a) There is established a
2 Sexual Assault Criminal Justice Response, Enhancement and Model
3 Policy Advisory Council for the purpose of evaluating the current
4 criminal justice response to sexual assault in the state and establishing a
5 model policy for the criminal justice response to sexual assault. In
6 developing such model policy, the council shall conduct such
7 examinations as the council deems appropriate, including, but not
8 limited to, evaluating the:

9 (1) Policies and procedures used by law enforcement agencies when
10 responding to incidents of sexual assault;

11 (2) Accuracy of data collected by the Department of Emergency
12 Services and Public Protection and the Court Support Services Division
13 of the Judicial Branch, and collecting and analyzing any additional data

14 related to sexual assault and the criminal justice response available from
15 Judicial Branch court operations, state's attorneys, public defenders,
16 sexual assault victim advocates or operators of programs for sexual
17 assault offenders;

18 (3) Risk assessments used throughout a sexual assault case from
19 arrest through adjudication;

20 (4) Arrest, prosecution, penalties and monitoring for violations of
21 family violence restraining orders issued pursuant to section 46b-15 of
22 the general statutes, civil protection orders issued pursuant to section
23 46b-16a of the general statutes, or criminal protective orders issued
24 pursuant to section 46b-38c, 54-1k or 54-82r of the general statutes, that
25 relate to a sexual assault;

26 (5) Programming offered to individuals who have been convicted of
27 a sexual assault crime and are currently incarcerated with the
28 Department of Correction; and

29 (6) Training and education for criminal justice stakeholders.

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

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

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

33 (3) One appointed by the majority leader of the House of
34 Representatives, who shall be a municipal police officer with experience
35 in training related to sexual assaults;

36 (4) One appointed by the majority leader of the Senate, who shall be
37 a representative of a community-based organization that provides
38 group counseling or treatment to persons who have committed acts of
39 sexual assault;

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

- 42 (6) One appointed by the minority leader of the Senate;
- 43 (7) One appointed by the Governor;
- 44 (8) The chairperson of the Police Officer Standards and Training
45 Council, or the chairperson's designee;
- 46 (9) The Chief State's Attorney, or the Chief State's Attorney's
47 designee;
- 48 (10) The Chief Public Defender, or the Chief Public Defender's
49 designee;
- 50 (11) The Victim Advocate, or the Victim Advocate's designee;
- 51 (12) Two appointed by the Commissioner of Emergency Services and
52 Public Protection, one of whom shall be a representative of the Division
53 of State Police with experience in training related to sexual assault, and
54 one of whom shall be a commanding officer within the Division of State
55 Police;
- 56 (13) Four appointed by the Chief Court Administrator, one of whom
57 shall be a judge of the Superior Court assigned to hear criminal matters,
58 one of whom shall be a family relations counselor or supervisor within
59 the Court Support Services Division of the Judicial Branch, one of whom
60 shall be an administrator within the Court Support Services Division of
61 the Judicial Branch and one of whom shall be an administrator of the
62 Office of Victim Services within the Judicial Branch;
- 63 (14) Four appointed by the chief executive officer of the Connecticut
64 Alliance to End Sexual Violence, one of whom shall be a victim of sexual
65 assault, one of whom shall be a victim advocate with courtroom
66 experience in sexual assault matters, one of whom shall be an executive
67 director of a community-based organization that provides direct
68 services to persons impacted by sexual assault and one of whom shall
69 be a representative of the Connecticut Alliance to End Sexual Violence;
- 70 (15) One representative from an association of police chiefs in

71 Connecticut, appointed by the president of such association;

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

74 (17) The chairperson of the Board of Pardons and Paroles, or the
75 chairperson's designee;

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

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

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

83 (d) All members of said council shall be appointed on or before
84 October 1, 2024, and quadrennially thereafter, to serve for a term of four
85 years. Any member may be reappointed, and any member may continue
86 to serve until such member's successor is appointed and qualified. Any
87 vacancy shall be filled by the appointing authority.

88 (e) The members of the council shall select two chairpersons of the
89 council from among the members of the council. Said chairpersons shall
90 be responsible for scheduling the meetings of the council.

91 (f) The council shall be within the Legislative Department. The
92 administrative staff of the joint standing committee of the General
93 Assembly having cognizance of matters relating to public safety and
94 security shall serve as administrative staff of the council.

95 (g) The council shall develop the initial model policy for the criminal
96 justice response to sexual assault described in subsection (a) of this
97 section and submit such policy to the Police Officer Standards and
98 Training Council not later than July 1, 2025, and shall update such policy
99 and submit any such update to the council annually thereafter.

100 (h) Not later than August 1, 2025, and annually thereafter, the Police
101 Officer Standards and Training Council shall (1) review the model
102 policy and any updates submitted to the council pursuant to subsection
103 (g) of this section, (2) approve such model policy and updates, with or
104 without modifications, and (3) distribute to each law enforcement unit,
105 as defined in section 7-294a of the general statutes, the model policy
106 with any updates and modifications.

107 (i) Not later than September 1, 2025, and annually thereafter, each law
108 enforcement unit, as defined in section 7-294a of the general statutes,
109 shall adopt and maintain a written policy that meets or exceeds the
110 standards of the version of the model policy most recently distributed
111 pursuant to subsection (h) of this section.

112 (j) Not later than September 1, 2025, and annually thereafter, the
113 Police Officer Standards and Training Council shall submit a report, in
114 accordance with section 11-4a of the general statutes, to the joint
115 standing committees of the General Assembly having cognizance of
116 matters relating to the judiciary and public safety and security. The
117 report shall include any recommendations for statutory or policy
118 changes within the purview of the council, including any updates or
119 modifications to the model policy for the criminal justice response to
120 sexual assault for the state and any recommendations related to
121 programs for sexual assault offenders.

122 Sec. 2. (NEW) (*Effective October 1, 2024*) It shall be the responsibility
123 of the police officer, as defined in section 7-294a of the general statutes,
124 at the scene of a sexual assault incident to provide immediate assistance
125 to the victim. Such assistance shall include, but need not be limited to:

126 (1) Assisting the victim to obtain medical treatment if such treatment
127 is required;

128 (2) Informing the victim of services available, including providing the
129 victim with (A) contact information for a regional sexual assault
130 organization that employs, or provides referrals to, counselors who are
131 trained in providing trauma-informed care, and (B) a copy of the

132 information concerning services and resources available to victims of
133 sexual assault published pursuant to section 10-10g of the general
134 statutes, as amended by this act;

135 (3) If there is a child at the scene, providing the victim with a copy of
136 the documents concerning behavioral and mental health evaluation and
137 treatment resources available to children developed pursuant to section
138 17a-22r of the general statutes for the mental health region in which such
139 victim is located; and

140 (4) Referring the victim to the Office of Victim Services within the
141 Judicial Branch.

142 Sec. 3. Section 10-10g of the 2024 supplement to the general statutes
143 is repealed and the following is substituted in lieu thereof (*Effective from*
144 *passage*):

145 (a) Not later than December 1, [2022] 2024, and annually thereafter,
146 the Office of Victim Services within the Judicial Department, in
147 consultation with the Connecticut Coalition Against Domestic Violence
148 and the Connecticut Alliance to End Sexual Violence, shall compile
149 information concerning services and resources available to victims of
150 domestic violence and sexual assault and provide such information
151 electronically to the Department of Education, and electronically and in
152 hard copies to (1) the Division of State Police within the Department of
153 Emergency Services and Public Protection, (2) each municipal police
154 department, and (3) each ambulance company and organization,
155 whether public, private or voluntary, that offers transportation or
156 treatment services to patients under emergency conditions. Such
157 information shall include, but need not be limited to, (A) referrals
158 available to counseling and supportive services, including, but not
159 limited to, the Safe at Home program administered by the Office of the
160 Secretary of the State, sexual assault crisis centers, shelter services,
161 medical services, domestic abuse and sexual assault hotlines, legal
162 counseling and advocacy, mental health care and financial assistance,
163 and (B) procedures to voluntarily and confidentially identify eligibility
164 for referrals to such counseling and supportive services. Such

165 information shall be translated into, and provided in, multiple
166 languages, including, but not limited to, English, Polish, Portuguese and
167 Spanish.

168 (b) Not later than January 1, 2020, the Department of Education shall
169 publish the information compiled and provided pursuant to subsection
170 (a) of this section on the Internet web site of the department. If informed
171 of any necessary revisions by the Office of Victim Services within the
172 Judicial Department, the Department of Education shall revise such
173 published information.

174 (c) For the school year commencing July 1, 2020, and each school year
175 thereafter, the Department of Education shall disseminate the
176 information published pursuant to subsection (b) of this section to each
177 local and regional board of education. Each local and regional board of
178 education shall require the provision of such information to any (1)
179 student or parent or guardian of a student who expresses to a school
180 employee, as defined in section 10-222d, that such student or parent or
181 guardian or a person residing with such student or parent or guardian
182 does not feel safe at home due to domestic violence or sexual assault,
183 and (2) parent or guardian of a student who authorizes the transfer of
184 such student's education records to another school.

185 Sec. 4. Subsection (c) of section 10-10g of the 2024 supplement to the
186 general statutes, as amended by section 56 of public act 23-167, is
187 repealed and the following is substituted in lieu thereof (*Effective July 1,*
188 *2025*):

189 (c) For the school year commencing July 1, 2020, and each school year
190 thereafter, the Department of Education shall disseminate the
191 information published pursuant to subsection (b) of this section to each
192 local and regional board of education. Each local and regional board of
193 education shall require the provision of such information to any (1)
194 student or parent or guardian of a student who expresses to a school
195 employee, as defined in section 10-222aa, that such student or parent or
196 guardian or a person residing with such student or parent or guardian
197 does not feel safe at home due to domestic violence or sexual assault,

198 and (2) parent or guardian of a student who authorizes the transfer of
199 such student's education records to another school.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>from passage</i>	10-10g
Sec. 4	<i>July 1, 2025</i>	10-10g(c)

Statement of Legislative Commissioners:

In Section 1(j), "amendments" was changed to "modifications" for consistency.

PS *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: None

Municipal Impact: None

Explanation

The bill, which establishes a new advisory council and requires certain entities to distribute information, is not anticipated to result in a fiscal impact to the state or to municipalities. Agencies required to participate in the advisory council have the expertise to do so, and the information can be distributed through existing channels.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5399*****AN ACT CONCERNING THE CRIMINAL JUSTICE RESPONSE TO VICTIMS OF SEXUAL ASSAULT.*****SUMMARY**

This bill establishes, within the legislative branch, the Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to (1) evaluate the current criminal justice response to sexual assault incidents; (2) develop a model policy for responding to such incidents; and (3) by July 1, 2025, submit the initial policy to the Police Officer Standards and Training Council (POST), updating it annually after that.

The bill requires POST to annually review and approve the model policy and distribute it to law enforcement units that, starting by September 1, 2025, must annually adopt and maintain a written policy that at a minimum meets the standards of the most recently distributed model policy. Starting by September 1, 2025, POST must also annually submit recommendations on the model policy to the legislature.

The bill also provides additional assistance to sexual assault victims by (1) expanding the resource document that the judicial branch's Office of Victim Services (OVS) must annually compile for domestic violence victims to also include services and resources available to sexual assault victims; (2) requiring local school boards to provide this information to individuals who do not feel safe due to sexual assault; and (3) establishing that it is a police officer's responsibility to provide immediate assistance to a victim at the scene of a sexual assault incident (e.g., by referring the victim to OVS).

EFFECTIVE DATE: Upon passage for the provision requiring OVS to

expand the content of its resource document; July 1, 2024, for the provision establishing the advisory council; October 1, 2024, for the provision on police officers' responsibility to provide victim assistance; and July 1, 2025, for the provision expanding when boards of education must distribute the OVS resource document.

§ 1 — SEXUAL ASSAULT CRIMINAL JUSTICE RESPONSE, ENHANCEMENT, AND MODEL POLICY ADVISORY COUNCIL

The bill establishes a 26-member Sexual Assault Criminal Justice Response, Enhancement, and Model Policy Advisory Council to evaluate the current criminal justice response to sexual assault incidents in Connecticut and establish a model policy for responding to such incidents. The council is part of the legislative branch, and the Public Safety and Security Committee administrative staff must serve as the council's administrative staff.

Model Policy

In developing the model policy, the council must conduct the examinations it deems appropriate, including evaluating the:

1. policies and procedures law enforcement agencies use when responding to sexual assault incidents;
2. accuracy of data the Department of Emergency Services and Public Protection (DESPP) and the judicial branch's Court Support Services Division (CSSD) collect, and collecting and analyzing any additional data related to sexual assault and the criminal justice response available from judicial branch court operations, state's attorneys, public defenders, sexual assault victim advocates, or operators of sexual assault offender programs;
3. risk assessments used throughout a sexual assault case from arrest through adjudication;
4. arrest, prosecution, penalties, and monitoring for violations of family violence restraining orders, civil protection orders, or

- criminal protective orders related to sexual assault;
5. programming offered to individuals convicted of a sexual assault crime who are currently incarcerated with the Department of Correction (DOC); and
 6. criminal justice stakeholders training and education.

Membership and Appointments

The six legislative leaders and the governor must each appoint one council member. The House speaker, Senate president pro tempore, and House and Senate minority leaders may appoint General Assembly members. The House majority leader's appointee must be a municipal police officer with experience in training related to sexual assaults. The Senate majority leader's appointee must be a representative of a community-based organization that provides group counseling or treatment to individuals who have committed sexual assault.

The council must include additional members appointed as follows:

1. two by the DESPP commissioner, one who is a State Police representative with experience in training related to sexual assault, and one who is a State Police commanding officer;
2. four by the Chief Court Administrator, who must be a Superior Court judge assigned to hear criminal matters, a family relations counselor or a CSSD supervisor, a CSSD administrator, and an OVS administrator;
3. four by the Connecticut Alliance to End Sexual Violence chief executive officer, who must be a sexual assault victim, a victim advocate with courtroom experience in sexual assault matters, the executive director of a community-based organization that provides direct services to individuals impacted by sexual assault, and a Connecticut Alliance to End Sexual Violence representative; and
4. one appointed by the president of a Connecticut police chiefs

association, who must be an association representative.

Lastly, the council must also include the Office of Policy and Management secretary, Board of Pardons and Paroles chairperson, DESPP and DOC commissioners, POST chairperson, chief state's attorney, chief public defender, and victim advocate or their designees.

All council members must be appointed before October 1, 2024, and every four years after that. They serve for a four-year term, may be reappointed, and continue to serve until a successor is appointed and qualified. The appointing authorities fill any vacancies.

Deadlines

The bill requires the advisory council to develop the initial model and submit it to POST by July 1, 2025. The advisory council must annually update the policy and submit it to POST.

Starting by August 1, 2025, POST must annually: (1) review the model policy and any updates; (2) approve them, with or without modifications; and (3) distribute the model policy to each law enforcement unit (see BACKGROUND).

Each law enforcement unit must annually adopt and maintain a written policy that meets or exceeds the standards of the most recently distributed version of the model policy, starting by September 1, 2025.

POST must annually report, starting by September 1, 2025, to the Judiciary and Public Safety and Security committees, recommendations for statutory or policy changes within the advisory council's jurisdiction. The report must include any updates or modifications to the model policy and any recommendations for sexual assault offender programs.

§ 2 — POLICE OFFICER RESPONSIBILITIES

Under the bill, it is a police officer's (see BACKGROUND) responsibility at the scene of a sexual assault incident to provide immediate assistance to the victim, which must include:

1. assisting the victim to obtain medical treatment if it is required;
2. informing the victim of available services, including providing the victim with (a) contact information for a regional sexual assault organization that employs, or provides referrals to, counselors who are trained in providing trauma-informed care, and (b) a copy of the information concerning services and resources available to victims of sexual assault (see §§ 3 & 4 below);
3. if there is a child at the scene, providing the victim with a copy of the documents on behavioral and mental health evaluation and treatment resources available to children for the mental health region in which the victim is located; and
4. referring the victim to OVS.

§§ 3 & 4 — OVS SEXUAL ASSAULT RESOURCE DOCUMENT

Current law requires OVS, in consultation with the Connecticut Coalition Against Domestic Violence, to annually compile information on services and resources available to domestic violence victims. Starting by December 1, 2024, the bill requires OVS to (1) also consult with the Connecticut Alliance to End Sexual Violence in compiling this information and (2) include information on services and resources available to sexual assault victims.

Under current law, the information OVS compiles on the services and resources must include:

1. referrals available to counseling and supportive services, including the secretary of the state's Safe at Home program, shelter services, medical services, domestic abuse hotlines, legal counseling and advocacy, mental health care, and financial assistance; and
2. procedures to voluntarily and confidentially identify eligibility for referrals to the counseling and supportive services, which

must be translated into, and provided in, multiple languages, including English, Polish, Portuguese, and Spanish.

The bill also requires the information to include referrals to sexual crisis centers and sexual assault hotlines.

As under existing law and the bill, OVS must provide the information it compiles to various places, including the State Department of Education (SDE), the State Police and each municipal police department, and each ambulance company and organization.

Under existing law, SDE must disseminate the above information to local and regional school boards each school year. Each school board must, in turn, require that the information be provided to any student or student's parent or guardian who expresses to a school employee (see BACKGROUND) that the student, parent, or guardian, or a person residing in the home, does not feel safe because of domestic violence. Under the bill, school boards must also require that this information be provided in instances where the person does not feel safe due to sexual assault.

BACKGROUND

Police Officers, Law Enforcement Unit, and School Employee

By law, "police officers" are sworn members of an organized local police department or of the State Police; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; or any members of a law enforcement unit who perform police duties.

A "law enforcement unit" is any state or municipal agency or department (or tribal agency or department created and governed under a memorandum of agreement) whose primary functions include enforcing criminal or traffic laws; preserving public order; protecting life and property; or preventing, detecting, or investigating crime (CGS § 7-294a).

A "school employee" means a teacher, substitute teacher, school

administrator or superintendent, guidance or school counselor, psychologist, social worker, nurse, physician, school paraprofessional, or coach employed by a local or regional school board or working in a public elementary, middle, or high school, or any other individual who, in the performance of his or her duties, has regular contact with students and provides services to or on behalf of students enrolled in a public elementary, middle, or high school pursuant to a contract with the local or regional school board (CGS § 10-222d).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 2 (03/19/2024)