

# Judiciary Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5258

AN ACT REQUIRING STATE COURTS TO EXTEND FULL FAITH AND CREDIT  
**Title:** TO MILITARY PROTECTION ORDERS.

**Vote Date:** 3/26/2024

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/4/2024

**File No.:**

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## **SPONSORS OF BILL:**

Judiciary Committee  
Rep. Christine Conley, 40<sup>th</sup> Dist.  
Rep. Antony L. Nolan, 39<sup>th</sup> Dist.

## **REASONS FOR BILL:**

Military bases aren't immune to domestic violence and a Military Protective Order (MPO) can be issued. However, in Connecticut an MPO doesn't apply outside the jurisdiction of the military base. This bill would make MPO's apply to individuals while they are outside of the jurisdiction of the base.

## **SUSBTITUTE LANGUAGE:**

The substitute language turns the bill into a study to be conducted by the Domestic Violence Criminal Justice Response and Enhancement Advisory Council in consultation with the Chief Court Administrator.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Christopher Arnold, Mid-Atlantic Region Liaison, U.S. Department of Defense:** She testified in support of this bill, stating that interpersonal violence policies implemented at the local level can help states empower victims, deter offenders, and create an environment of resilience and readiness for military families. Most states do not extend full faith and credit to military protective orders, thus putting commanders in a state of limited authority over military personnel and their actions that occur off an installation. An extension of legal authority to military commanders and protective orders beyond just military locations and duty times would provide victims with greater access to protections and services through victim

advocacy efforts. In addition, victims will not have to relive their trauma both when obtaining a military protective order and then when getting the civilian version.

**Jeffrey LaPierre, Senior Assistant Public Defender, Office of Chief Public Defender:** He testified in opposition to this bill, stating it is unnecessary as civil and criminal courts systems already have procedures in place to protect victims and ensure the accused receive the required constitutional due process. Since military protection orders are not ordered by courts, they do not qualify as a valid foreign order as they are not consistent with 18 USC 2265. He believes this bill creates an unnecessary legal conflict and neither increases safety of victims nor protects the rights of the accused.

#### **NATURE AND SOURCES OF SUPPORT:**

**Christine Conley and Anthony Nolan, State Representatives, CGA House of Representatives:** They testified in support of this bill because protective orders issued while in the service do not extend to civilian life, which means that service members must go through the process of requesting protections twice: once in uniform and once in civil courts. Constituents of Southeastern Connecticut believe this legislation is a must since the area has significant military presence in both the United States Coast Guard Academy and the United States Submarine Base.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Erich Heinonen:** He testified in opposition to this bill, stating that MPOs are not equivalent to civil protection orders issued by Connecticut courts, and they lack due process right for those against whom they are issued. He explained that there is no formal appeal for service members subject to an MPO regarding the duration or conditions. Civil protection orders provide longer-term protection and support and provide due process to the parties involved and still hold validity when in military jurisdiction.

**Alison Weir, Executive Director, CT Veterans Legal Center:** She testified in opposition to this bill, stating that it would attempt to equate the decisions of commanders with those made in state and federal courts, but they are not equivalent as military protective orders do not have the same due process as in the courts and military commanders are not attorneys and schooled in constitutional protection. She furthered that military protective orders are also not subject to enforcement by civilian authorities so someone could not simply call the police if their protective order was being violated. In contrast, a civilian protective order issued is enforceable on a military base. The Connecticut Veterans Legal Center often handles cases of veterans who were discharged on the basis of misconduct without being provided due process and they have learned that commanders made these decisions without full understanding of the law or the individual situation.

**Reported by:** Hillary Desideraggio

**Date:** 3-27-24