

# Veterans' and Military Affairs Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5403

AN ACT CONCERNING MILITARY PROTECTION ORDERS AND OTHER

**Title:** INTERPERSONAL VIOLENCE PROTECTIONS.

**Vote Date:** 3/14/2024

**Vote Action:** Joint Favorable Change of Reference to Judiciary

**PH Date:** 3/7/2024

**File No.:**

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### SPONSORS OF BILL:

Veterans' and Military Affairs Committee

### REASONS FOR BILL:

This bill would require state courts to extend full faith and credit to military protection orders, include under the crime of harassment in the second-degree certain conduct engaged in by current or former members of the National Guard, and provide financial assistance to certain victims of sexual assault or sexual harassment for certain costs associated with participating in administrative or court-martial proceedings. Currently, if a service member has a Military Protective Order and gets discharged from the military, they would need to go through the process of receiving a Protective Order through the courts in the state they are living in or moving to. This period of time between getting discharged and obtaining their Protective Order would potentially leave them vulnerable to the same experiences from the same person that led to them receiving a Military Protective Order in the first place. This bill is intended to make this transition for that service member from military to civilian life as safe and smooth as possible by treating a Military Protective Order as a Foreign Order of Protection as defined in Connecticut General Statute § 46b-15a, expanding the authority of commanders to engage in non-judicial military punishment, and authorizing victim access to post-discharge travel funds to help alleviate financial burden of legal proceedings.

### RESPONSE FROM ADMINISTRATION/AGENCY:

**United States Department of Defense State Liaison Office, Mid-Atlantic Region Liaison, Christopher R. Arnold, on behalf of New England Region Liaison, Melissa Willette:**

supports this bill and cited a report done by an Independent Review Commission and mentioned the recommendations in the areas of accountability, prevention, climate, and

culture. They also cited a task force launched by the National Guard Bureau and their 19 recommendations in the areas of leader education, growing a healthy culture, resource distribution, communication partnerships, standardization of efforts, and effective measurement. They then define interpersonal violence as "any behavior that asserts power or control over another person, and various forms of abuse to include psychological, emotional, verbal, physical, sexual or economic" and state that interpersonal violence affects the victim, their families, their unit to which they're assigned, and national security. They then summarize subsections 1, 2, and 3. They state that these policies would provide a framework to combat various forms of abuse and harassment that the Department of Defense has worked to improve upon.

**Military Department, Office of the Adjutant General, The Adjutant General, Major General Francis J. Evon Jr:** opposes this bill. They state that section 1 would treat Military Protection Orders the same as Civil Protection Orders issued by state courts, is unnecessary, and will likely have an unintended deleterious effect on the organization. To protect victims and ensure good order and discipline, Connecticut National Guard commanders do issue lawful no-contact orders that are enforceable within our military jurisdiction. In addition, Connecticut National Guard command staff, legal assistance attorneys, sexual assault response coordinators, and victim advocates assist our Soldiers and Airmen in applying for civil protection orders when necessary. The military no-contact orders and civil protection orders have historically proven to be an efficient and effective means to protect our victims, maintain good order and discipline, and protect the rights of the accused. They also state that section 2 is overly broad and unfairly criminalizes the conduct of members of the National Guard. It would also seemingly create criminal liability of harassment in the second degree by a National Guard Commander's written or verbal command to a member to refrain from certain conduct for up to one year regardless of whether the individual is still a member of the National Guard at the time they violate the order and regardless of whether the conduct otherwise meets the definition in the relevant Connecticut general statutes. They then state that they are not appropriated state funds for the purposes outlined in section 3.

**Division of Public Defender Services, Office of the Chief Public Defender, Senior Assistant Public Defender, Jeffrey LaPierre on behalf of the Office of the Chief Public Defender:** opposes this bill. Adding the language expanding the scope of foreign orders of protection to include military protection orders is unnecessary since the state court systems have procedures in place to sufficiently protect victims and ensure those accused of crimes, or are the subject of civil protective orders, receive the required and necessary due process. Since military protection orders are not ordered by courts, they do not qualify as a valid foreign order under 46b-15a(b) [lines 15-16 of HB 5258] as they are not consistent with 18 USC 2265. This requested amendment creates an unnecessary legal conflict within the same statute. They also state that section 2 expands the scope of criminal law ONLY to members of the National Guard, and is unfair, unnecessary, and creates confusion as to what conduct is prohibited. Section 3 is an unfunded mandate and the support outlined in section 3 is already done through various other means including, but not limited to the Office of Victims Services. They suggest providing additional funding to the current programs and systems in place to deal with interpersonal violence.

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

**Connecticut General Assembly, 65<sup>th</sup> Assembly District, Representative Michelle L. Cook, and Safe Futures, Family Violence Victim Advocates Office, Supervisor, Brittany Broberg, and Safe Futures, Director of Client Access, Marie Kenny:** supports this bill and states that currently, if recently discharged service members seek a protective order due to the same circumstances endured in the military (domestic or sexual violence), then they must apply for a civilian court order which can mean months without protection.

**Connecticut Coalition Against Domestic Violence, Vice President of Government and Public Relations, Liza Andrews:** states that military service has unique psychological, social, and environmental factors that can increase the risk of domestic violence. They cite a Department of Defense statistic that states that between 2015 and 2019, 40,000 instances of domestic violence occurred and 74% of them involved physical violence. They state that the goal of this is to treat military protection orders as any other "foreign order of protection" which would provide a seamless transition for service members transitioning into civilian life.

**Connecticut Conference of Municipalities, Associate Director of Public Policy and Advocacy, Randy Collins:** supports this bill and state that their member towns and cities are ready to work with the Department of Defense to ensure that Law Enforcement is made aware of a Military Protection Order and to work with victims to obtain a court ordered protective agreement, if needed.

**Connecticut General Assembly, 40<sup>th</sup> Assembly District, Representative Christine Conley:** state that both the United States Coast Guard Academy and a United States Submarine Base are in their district. Ensuring a smooth transition for individuals who have a Military Protection Order, because they experienced interpersonal violence, is a particularly important issue for their district because of the increased military presence.

**Safe Futures, Civil and Family Violence Victim Advocate, Katherine Olivarez:** states that currently, a recently discharged service member who wants to be protected due to the same circumstances endured in their time in the military would need to apply for a Temporary Restraining Order in the state they live in. This leaves former Service Members unprotected as they move to another state or just transition into civilian life in Connecticut.

**Connecticut Veterans Legal Center, Executive Director, Alison Weir:** states that Civilian Protective Orders are issued by a court and protect an accused individual's right to due process, but Military Protective Orders are issued by a commander unschooled in law or constitutional protections and do not afford the accused due process. That is why Civilian Protective Orders are enforceable both off and on base but Military Protective Orders are only enforceable on base. They fully support sections 2 and 3 but due to this difference between Civilian and Military Protective Orders, they urge the committee to strike section 1 of this bill.

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

**Jeffrey LaPierre, Esq:** opposes this bill and all changes raised in this bill. They state that section 1 would create an unnecessary legal conflict within the same statute, section 2 only expands the scope of criminal law to members of the National Guard which is unfair,

unnecessary, and creates confusion as to what conduct is prohibited, and section 3 is unfunded and the support outlined in section 3 is already done through various other means.

**Timothy Tomcho:** opposes this bill. They state exactly what a Military Protective Order is, how it is issued, and what a Military Protective Order does. They also have attached the relevant Military Protective Order form to be filled out and issued by a commander, 32 CFR 635.19-20, and a fact sheet on Military Protective Orders.

**Reported by: Patrick Buckley**

**Date: 3/28/2024**