

An Act Concerning Civil Protection Orders

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

Section 1. (NEW) (a) Any person who files a report with the police alleging that a violation of sections 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, or 53a-181e has occurred within the past sixty days, and who has not obtained any other court order of protection arising out of such violation and does not qualify to seek relief under section 46b-15, may make an application to the Superior Court for relief under this section.

Alternate Version: (a): Any person who: (1) files a report with the police alleging that a violation of sections 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d, or 53a-181e has occurred within the past sixty days, or (2) alleges that a violation of sections 53-21, 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, or 53a-73a has occurred within the past sixty days and has disclosed said violation to any professional enumerated in section 54-209(d), and who has not obtained any other court order of protection arising out of such violation and does not qualify to seek relief under section 46b-15, may make an application to the Superior Court for relief under this section.

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms or ammunition. The application shall be accompanied by an affidavit made under oath which includes a statement of the conditions from which relief is sought and a statement of compliance with the requirements of subsection (a). Upon receipt of the application, if the allegations set forth in the affidavit meet the requirements of subsection (a), the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public

34 from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such
35 orders may include, but are not limited to, an order enjoining the respondent from (1)
36 imposing any restraint upon the person or liberty of the applicant; (2) threatening,
37 harassing, assaulting, molesting, sexually assaulting, or attacking the applicant; and (3)
38 entering the dwelling of the applicant. The court may issue an ex parte order granting
39 such relief as it deems appropriate. If a hearing on the application is scheduled or an ex
40 parte order is granted and the court is closed on the scheduled hearing date, the hearing
41 shall be held on the next day the court is open and any such ex parte order shall remain in
42 effect until the date of such hearing.

43 (c) No order of the court shall exceed one year, except that an order may be
44 extended by the court upon motion of the applicant for such additional time as the court
45 deems necessary. If the respondent has not appeared upon the initial application, service
46 of a motion to extend an order may be made by first-class mail directed to the respondent
47 at the respondent's last-known address.

48 (d) The applicant shall cause notice of the hearing pursuant to subsection (b) of
49 this section and a copy of the application and the applicant's affidavit and of any ex parte
50 order issued pursuant to subsection (b) of this section to be served by a proper officer on
51 the respondent not less than five days before the hearing. The cost of such service shall
52 be paid for by the Judicial Branch. Upon the granting of an ex parte order, the clerk of the
53 court shall provide two copies of the order to the applicant. Upon the granting of an order
54 after notice and hearing, the clerk of the court shall provide two copies of the order to the
55 applicant and a copy to the respondent. Every order of the court made in accordance with
56 this section after notice and hearing shall be accompanied by a notification that is
57 consistent with the full faith and credit provisions set forth in 18 USC 2265(a), as
58 amended from time to time. Immediately after making service on the respondent, the
59 proper officer shall send or cause to be sent, by facsimile or other means, a copy of the
60 application, or the information contained in such application, stating the date and time the
61 respondent was served, to the law enforcement agency or agencies for the town in which
62 the applicant resides, the town in which the applicant is employed and the town in which
63 the respondent resides. The clerk of the court shall send, by facsimile or other means, a

64 copy of any ex parte order and of any order after notice and hearing, or the information
65 contained in any such order, to the law enforcement agency or agencies for the town in
66 which the applicant resides, the town in which the applicant is employed and the town in
67 which the respondent resides, within forty-eight hours of the issuance of such order. If the
68 applicant is enrolled in a public or private elementary or secondary school, including a
69 technical high school, or an institution of higher education, as defined in section 10a-55,
70 the clerk of the court shall, upon the request of the applicant, send, by facsimile or other
71 means, a copy of such ex parte order or of any order after notice and hearing, or the
72 information contained in any such order, to such school or institution of higher education,
73 the president of any institution of higher education at which the applicant is enrolled and
74 the special police force established pursuant to section 10a-142, if any, at the institution
75 of higher education at which the applicant is enrolled.

76 *Alternate Version Only: (e) Upon the granting of any application under*
77 *subdivision (2) of subsection (a) of this section, a copy of the application, affidavit and*
78 *order shall be forwarded to the appropriate law enforcement authority for purposes of*
79 *further investigation into the conduct causing the applicant to seek relief.*

80 (f) (e) An action under this section shall not preclude the applicant from seeking
81 any other civil or criminal relief.

82 **Section 2.** Section 53a-107 of the general statutes is repealed and the following is
83 substituted in lieu thereof:

84 (a) A person is guilty of criminal trespass in the first degree when: (1) Knowing
85 that such person is not licensed or privileged to do so, such person enters or remains in a
86 building or any other premises after an order to leave or not to enter personally
87 communicated to such person by the owner of the premises or other authorized person; or
88 (2) such person enters or remains in a building or any other premises in violation of [a
89 restraining order issued pursuant to section 46b-15 or a protective order issued pursuant
90 to section 46b-38c, 54-1k or 54-82r] any order of protection issued by the Superior Court;
91 or (3) such person enters or remains in a building or any other premises in violation of a
92 foreign order of protection, as defined in section 46b-15a, that has been issued against

93 such person in a case involving the use, attempted use or threatened use of physical force
94 against another person; or (4) knowing that such person is not licensed or privileged to do
95 so, such person enters or remains on public land after an order to leave or not to enter
96 personally communicated to such person by an authorized official of the state or a
97 municipality, as the case may be.

98 (b) Criminal trespass in the first degree is a class A misdemeanor.

99 **Section 3.** (NEW) (a) A person is guilty of criminal violation of a civil protection
100 order when (1) a civil protection order has been issued against such person pursuant to
101 section 1 of this act, and (2) such person, having knowledge of the terms of the order,
102 violates such order.

103 (b) Criminal violation of a civil protection order is a class D felony.

104 **Section 4.** Subsection (a) of section 51-5c of the general statutes is repealed and
105 the following is substituted in lieu thereof:

106 (a) The Chief Court Administrator shall establish and maintain an automated
107 registry of protective orders that shall contain (1) protective or restraining orders issued
108 by courts of this state, including, but not limited to, orders issued pursuant to sections
109 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q, section 1 of this act and 54-82r, and (2) foreign
110 orders of protection that have been registered in this state pursuant to section 46b-15a.
111 The registry shall clearly indicate the date of commencement, the termination date, if
112 specified, and the duration of any order contained therein. The Chief Court Administrator
113 shall adopt policies and procedures for the operation of the registry, which shall include
114 policies and procedures governing the disclosure of information in the registry to the
115 judges of the Superior Court and employees of the Judicial Department.