



House of Representatives

File No. 651

General Assembly

February Session, 2024 **(Reprint of File No. 287)**

Substitute House Bill No. 5399
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 2, 2024

***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 incidents of sexual assault involving adult
5 victims and establishing a model policy for the criminal justice response
6 to such sexual assaults. In developing such model policy, the council
7 shall conduct such examinations as the council deems appropriate,
8 including, but not limited to, evaluating the:

9 (1) Policies and procedures used by law enforcement agencies when
10 responding to such 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 such sexual assaults and the criminal justice response
15 available from Judicial Branch court operations, state's attorneys, public
16 defenders, sexual assault victim advocates or operators of programs for
17 sexual assault offenders;

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

20 (4) Arrest, prosecution, penalties and monitoring for violations of
21 civil protection orders issued pursuant to section 46b-16a of the general
22 statutes or criminal protective orders issued pursuant to section 54-1k
23 or 54-82r of the general statutes that relate to such sexual assaults;

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

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

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

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

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

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

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

38 (5) One appointed by the minority leader of the House of
39 Representatives;

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

69 Connecticut, appointed by the president of such association;

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

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

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

76 (19) The Commissioner of Correction, or the commissioner's
77 designee.

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

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

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

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

93 (g) The council shall develop the initial model policy described in
94 subsection (a) of this section and submit such policy to the Police Officer
95 Standards and Training Council not later than July 1, 2025, and shall
96 review and, if deemed necessary, update such policy and submit any
97 such update to the Police Officer Standards and Training Council

98 annually thereafter.

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

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

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

120 Sec. 2. (NEW) (*Effective October 1, 2024*) It shall be the responsibility
121 of the police officer, as defined in section 7-294a of the general statutes,
122 at the scene of an incident of sexual assault involving an adult victim, or
123 at the time of the filing of a complaint of such an incident, to provide
124 immediate assistance to such victim. Such assistance shall include, but
125 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 or present at the time of the filing of
136 a complaint, and such child's parent or guardian is also present,
137 providing such parent or guardian with a copy of the documents
138 concerning behavioral and mental health evaluation and treatment
139 resources available to children developed pursuant to section 17a-22r of
140 the general statutes for the appropriate mental health region; and

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

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

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

161 Secretary of the State, sexual assault crisis centers, shelter services,
162 medical services, domestic abuse and sexual assault hotlines, legal
163 counseling and advocacy, mental health care and financial assistance,
164 and (B) procedures to voluntarily and confidentially identify eligibility
165 for referrals to such counseling and supportive services. Such
166 information shall be translated into, and provided in, multiple
167 languages, including, but not limited to, English, Polish, Portuguese and
168 Spanish.

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

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

186 Sec. 4. Subsection (c) of section 10-10g of the 2024 supplement to the
187 general statutes, as amended by section 56 of public act 23-167, is
188 repealed and the following is substituted in lieu thereof (*Effective July 1,*
189 *2025*):

190 (c) For the school year commencing July 1, 2020, and each school year
191 thereafter, the Department of Education shall disseminate the
192 information published pursuant to subsection (b) of this section to each

193 local and regional board of education. Each local and regional board of
194 education shall require the provision of such information to any (1)
195 student or parent or guardian of a student who expresses to a school
196 employee, as defined in section 10-222aa, that such student or parent or
197 guardian or a person residing with such student or parent or guardian
198 does not feel safe at home due to domestic violence or sexual assault,
199 and (2) parent or guardian of a student who authorizes the transfer of
200 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)

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.

House "A" makes technical and clarifying changes concerning the advisory council and how officers should provide assistance and information to sexual assault victims and does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5399 (as amended by House “A”)******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 involving adult victims; (2) develop a model policy for responding to these incidents; (3) by July 1, 2025, submit the initial policy to the Police Officer Standards and Training Council (POST); and (4) annually review and, if necessary, update the policy and submit it to POST.

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

or at the time the complaint is filed (e.g., by referring the victim to OVS).

*House Amendment "A" (1) limits the applicability of the underlying bill's provisions on sexual assault incidents to only those involving adult victims, (2) removes the requirement that the council examine family violence restraining orders, (3) requires police officers to also provide sexual assault victims immediate assistance at the time their complaint is filed, and (4) makes various minor and technical changes.

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 the circumstances under which 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 involving adult victims in Connecticut and establish a model policy for responding to these 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 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 providing 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 providing 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 policy and submit it to POST by July 1, 2025. The advisory council must annually review and, if needed, 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 involving an adult victim, or when a complaint of such an incident is filed, to provide immediate assistance to the victim, which must include:

1. helping the victim get 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 on services and resources available to victims of sexual assault (see §§ 3 & 4 below);
3. if there is a child at the scene or present when the complaint is filed, and the child's parent or guardian is also present, providing the parent or guardian with a copy of the documents on behavioral and mental health evaluation and treatment resources available to children for the appropriate mental health region; 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)