



General Assembly

February Session, 2006

**Raised Bill No. 443**

LCO No. 2117



Referred to Committee on

**JUDICIARY**

Introduced by:

(JUD)

**AN ACT CONCERNING DOMESTIC VIOLENCE.**

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

1 Section 1. Subsection (a) of section 54-63c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2006*):

4 (a) Except in cases of arrest pursuant to a bench warrant of arrest in  
5 which the court or a judge thereof has indicated that bail should be  
6 denied or ordered that the officer or indifferent person making such  
7 arrest shall, without undue delay, bring such person before the clerk or  
8 assistant clerk of the superior court for the geographical area under  
9 section 54-2a, when any person is arrested for a bailable offense, the  
10 chief of police, or the chief's authorized designee, of the police  
11 department having custody of the arrested person shall promptly  
12 advise such person of the person's rights under section 54-1b, and of  
13 the person's right to be interviewed concerning the terms and  
14 conditions of release. Unless the arrested person waives or refuses  
15 such interview, the police officer shall promptly interview the arrested  
16 person to obtain information relevant to the terms and conditions of  
17 the person's release from custody, and shall seek independent

18 verification of such information where necessary. At the request of the  
 19 arrested person, the person's counsel may be present during the  
 20 interview. After such a waiver, refusal or interview, the police officer  
 21 shall promptly order release of the arrested person upon the execution  
 22 of a written promise to appear or the posting of such bond as may be  
 23 set by the police officer, except that no condition of release set by the  
 24 court or a judge thereof may be modified by such officer and no person  
 25 shall be released upon the execution of a written promise to appear or  
 26 the posting of a bond without surety if the person is charged with the  
 27 commission of a family violence crime, as defined in section 46b-38a,  
 28 and in the commission of such crime the person used or threatened the  
 29 use of a firearm. If the person is charged with the commission of a  
 30 family violence crime, as defined in section 46b-38a, the police officer  
 31 may set nonfinancial conditions of release which may require the  
 32 arrested person do one or more of the following: (1) Avoid all contact  
 33 with the alleged victim of the crime, (2) comply with specified  
 34 restrictions on the person's travel, association or place of abode, or (3)  
 35 not engage in specified activities including the use or possession of a  
 36 dangerous instrument, intoxicant or controlled substance. When cash  
 37 bail in excess of ten thousand dollars is received for a detained person  
 38 accused of a felony, where the underlying facts and circumstances of  
 39 the felony involve the use, attempted use or threatened use of physical  
 40 force against another person, the police officer shall prepare a report  
 41 that contains [(1)] (A) the name, address and taxpayer identification  
 42 number of the accused person, [(2)] (B) the name, address and taxpayer  
 43 identification number of each person offering the cash bail, other than  
 44 a person licensed as a professional bondsman under chapter 533 or a  
 45 surety bail bond agent under chapter 700f, [(3)] (C) the amount of cash  
 46 received, and [(4)] (D) the date the cash was received. Not later than  
 47 fifteen days after receipt of such cash bail, the police officer shall file  
 48 the report with the Department of Revenue Services and mail a copy of  
 49 the report to the state's attorney for the judicial district in which the  
 50 alleged offense was committed and to each person offering the cash  
 51 bail. No police officer shall set the terms and conditions of a person's

52 release, set a bond for a person or release a person from custody under  
53 this subsection unless the police officer has first checked the National  
54 Crime Information Center (NCIC) computerized index of criminal  
55 justice information to determine if such person is listed in such index.  
56 If the arrested person has not posted bail, the police officer shall  
57 immediately notify a bail commissioner.

58 Sec. 2. Subsection (c) of section 46b-38b of the general statutes is  
59 repealed and the following is substituted in lieu thereof (*Effective*  
60 *October 1, 2006*):

61 (c) No peace officer shall be held liable in any civil action regarding  
62 personal injury or injury to property brought by any party to a family  
63 violence incident for an arrest based on probable cause or for any  
64 conditions of release set pursuant to subsection (a) of section 54-63c, as  
65 amended by this act.

66 Sec. 3. Section 53a-222 of the general statutes is repealed and the  
67 following is substituted in lieu thereof (*Effective October 1, 2006*):

68 (a) A person is guilty of violation of conditions of release when,  
69 while charged with the commission of a felony, misdemeanor or motor  
70 vehicle violation for which a sentence to a term of imprisonment may  
71 be imposed, such person is released pursuant to subsection (a) of  
72 section 54-63c, as amended by this act, subsection (c) of section 54-63d  
73 or subsection (c) of section 54-64a on the condition that such person (1)  
74 avoid all contact with the alleged victim, or (2) not use or possess a  
75 dangerous weapon, and such person intentionally violates that  
76 condition.

77 (b) Violation of conditions of release is a class [A misdemeanor] D  
78 felony.

79 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of  
80 assault of a family or household member by strangulation in the first  
81 degree when such person commits assault of a family or household

82 member by strangulation in the second degree as provided in section 5  
83 of this act and (1) in the commission of such offense, such person (A)  
84 uses or attempts to use a dangerous instrument, or (B) causes serious  
85 physical injury to such other person, or (2) such person has previously  
86 been convicted of a violation of this section or section 5 of this act.

87 (b) Assault of a family or household member by strangulation in the  
88 first degree is a class B felony.

89 Sec. 5. (NEW) (Effective October 1, 2006) (a) A person is guilty of  
90 assault of a family or household member by strangulation in the  
91 second degree when, with intent to impede the normal breathing or  
92 blood circulation of a family or household member, as defined in  
93 section 46b-38a of the general statutes, such person impedes the  
94 normal breathing or blood circulation of such other person by  
95 applying pressure on the throat or neck of such other person or by  
96 blocking the nose or mouth of such other person.

97 (b) Assault of a family or household member by strangulation in the  
98 second degree is a class D felony.

99 Sec. 6. Subdivision (20) of section 53a-3 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (Effective  
101 October 1, 2006):

102 (20) "Electronic defense weapon" means a weapon which by  
103 electronic impulse or current is capable of immobilizing a person  
104 temporarily, but is not capable of inflicting death or serious physical  
105 injury, including a stun gun or other conductive energy device.

106 Sec. 7. Subsection (a) of section 46b-38b of the general statutes is  
107 repealed and the following is substituted in lieu thereof (Effective  
108 October 1, 2006):

109 (a) Whenever a peace officer determines upon speedy information  
110 that a family violence crime, except a family violence crime involving a  
111 dating relationship, has been committed within such officer's

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112 jurisdiction, such officer shall arrest the person or persons suspected of  
 113 its commission and charge such person or persons with the  
 114 appropriate crime. The decision to arrest and charge shall not (1) be  
 115 dependent on the specific consent of the victim, (2) consider the  
 116 relationship of the parties, or (3) be based solely on a request by the  
 117 victim. Whenever a peace officer determines that a family violence  
 118 crime has been committed, such officer may seize any firearm or  
 119 electronic defense weapon, as defined in section 53a-3, as amended by  
 120 this act, at the location where the crime is alleged to have been  
 121 committed that is in the possession of any person arrested for the  
 122 commission of such crime or suspected of its commission or that is in  
 123 plain view. Not later than seven days after any such seizure, the law  
 124 enforcement agency shall return such firearm or electronic defense  
 125 weapon in its original condition to the rightful owner thereof unless  
 126 such person is ineligible to possess such firearm or electronic defense  
 127 weapon or unless otherwise ordered by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	54-63c(a)
Sec. 2	October 1, 2006	46b-38b(c)
Sec. 3	October 1, 2006	53a-222
Sec. 4	October 1, 2006	New section
Sec. 5	October 1, 2006	New section
Sec. 6	October 1, 2006	53a-3(20)
Sec. 7	October 1, 2006	46b-38b(a)

**Statement of Purpose:**

To provide greater protection to victims of domestic violence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



## Senate

General Assembly

**File No. 421**

February Session, 2006

Substitute Senate Bill No. 443

*Senate, April 6, 2006*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING DOMESTIC VIOLENCE.**

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

1 Section 1. Section 54-63c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) Except in cases of arrest pursuant to a bench warrant of arrest in  
4 which the court or a judge thereof has indicated that bail should be  
5 denied or ordered that the officer or indifferent person making such  
6 arrest shall, without undue delay, bring such person before the clerk or  
7 assistant clerk of the superior court for the geographical area under  
8 section 54-2a, when any person is arrested for a bailable offense, the  
9 chief of police, or the chief's authorized designee, of the police  
10 department having custody of the arrested person shall promptly  
11 advise such person of the person's rights under section 54-1b, and of  
12 the person's right to be interviewed concerning the terms and  
13 conditions of release. Unless the arrested person waives or refuses  
14 such interview, the police officer shall promptly interview the arrested  
15 person to obtain information relevant to the terms and conditions of

the person's release from custody, and shall seek independent verification of such information where necessary. At the request of the arrested person, the person's counsel may be present during the interview. After such a waiver, refusal or interview, the police officer shall promptly order release of the arrested person upon the execution of a written promise to appear or the posting of such bond as may be set by the police officer, except that no condition of release set by the court or a judge thereof may be modified by such officer and no person shall be released upon the execution of a written promise to appear or the posting of a bond without surety if the person is charged with the commission of a family violence crime, as defined in section 46b-38a, and in the commission of such crime the person used or threatened the use of a firearm.

(b) If the person is charged with the commission of a family violence crime, as defined in section 46b-38a, the police officer may set nonfinancial conditions of release which may require the arrested person do one or more of the following: (1) Avoid all contact with the alleged victim of the crime, (2) comply with specified restrictions on the person's travel, association or place of abode that are directly related to the protection of the alleged victim of the crime, or (3) not use or possess a dangerous instrument, intoxicant or controlled substance. Any nonfinancial conditions of release set pursuant to this subsection shall remain in effect until the arrested person is presented before the superior court pursuant to subsection (a) of section 54-1g.

(c) When cash bail in excess of ten thousand dollars is received for a detained person accused of a felony, where the underlying facts and circumstances of the felony involve the use, attempted use or threatened use of physical force against another person, the police officer shall prepare a report that contains (1) the name, address and taxpayer identification number of the accused person, (2) the name, address and taxpayer identification number of each person offering the cash bail, other than a person licensed as a professional bondsman under chapter 533 or a surety bail bond agent under chapter 700f, (3) the amount of cash received, and (4) the date the cash was received.

50 Not later than fifteen days after receipt of such cash bail, the police  
51 officer shall file the report with the Department of Revenue Services  
52 and mail a copy of the report to the state's attorney for the judicial  
53 district in which the alleged offense was committed and to each person  
54 offering the cash bail.

55 (d) No police officer shall set the terms and conditions of a person's  
56 release, set a bond for a person or release a person from custody under  
57 this [subsection] section unless the police officer has first checked the  
58 National Crime Information Center (NCIC) computerized index of  
59 criminal justice information to determine if such person is listed in  
60 such index.

61 (e) If the arrested person has not posted bail, the police officer shall  
62 immediately notify a bail commissioner.

63 [(b)] (f) The chief, acting chief, superintendent of police, the  
64 Commissioner of Public Safety, any captain or lieutenant of any local  
65 police department or the Division of State Police within the  
66 Department of Public Safety or any person lawfully exercising the  
67 powers of any such officer may take a written promise to appear or a  
68 bond with or without surety from an arrested person as provided in  
69 subsection (a) of this section, or as fixed by the court or any judge  
70 thereof, may administer such oaths as are necessary in the taking of  
71 promises or bonds and shall file any report required under subsection  
72 [(a)] (c) of this section.

73 Sec. 2. Subsection (c) of section 46b-38b of the general statutes is  
74 repealed and the following is substituted in lieu thereof (*Effective*  
75 *October 1, 2006*):

76 (c) No peace officer shall be held liable in any civil action regarding  
77 personal injury or injury to property brought by any party to a family  
78 violence incident for an arrest based on probable cause or for any  
79 conditions of release set pursuant to subsection (b) of section 54-63c, as  
80 amended by this act.



81 Sec. 3. Section 53a-222 of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective October 1, 2006*):

83 (a) A person is guilty of violation of conditions of release when,  
84 while charged with the commission of a felony, misdemeanor or motor  
85 vehicle violation for which a sentence to a term of imprisonment may  
86 be imposed, such person is released pursuant to subsection (b) of  
87 section 54-63c, as amended by this act, subsection (c) of section 54-63d  
88 or subsection (c) of section 54-64a on the condition that such person (1)  
89 avoid all contact with the alleged victim, or (2) not use or possess a  
90 dangerous weapon, and such person intentionally violates that  
91 condition.

92 (b) Violation of conditions of release is a class [A misdemeanor] D  
93 felony.

94 Sec. 4. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of  
95 assault by strangulation in the first degree when such person commits  
96 assault by strangulation in the second degree as provided in section 5  
97 of this act and (1) in the commission of such offense, such person (A)  
98 uses or attempts to use a dangerous instrument, or (B) causes serious  
99 physical injury to such other person, or (2) such person has previously  
100 been convicted of a violation of this section or section 5 of this act.

101 (b) Assault by strangulation in the first degree is a class B felony.

102 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) A person is guilty of  
103 assault by strangulation in the second degree when, with intent to  
104 impede the normal breathing or blood circulation of another person,  
105 such person impedes the normal breathing or blood circulation of such  
106 other person by applying pressure on the throat or neck of such other  
107 person or by blocking the nose or mouth of such other person.

108 (b) Assault by strangulation in the second degree is a class D felony.

109 Sec. 6. Subdivision (20) of section 53a-3 of the general statutes is  
110 repealed and the following is substituted in lieu thereof (*Effective*  
111 *October 1, 2006*):

(20) "Electronic defense weapon" means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury, including a stun gun or other conductive energy device.

Sec. 7. Subsection (a) of section 46b-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) Whenever a peace officer determines upon speedy information that a family violence crime, except a family violence crime involving a dating relationship, has been committed within such officer's jurisdiction, such officer shall arrest the person or persons suspected of its commission and charge such person or persons with the appropriate crime. The decision to arrest and charge shall not (1) be dependent on the specific consent of the victim, (2) consider the relationship of the parties, or (3) be based solely on a request by the victim. Whenever a peace officer determines that a family violence crime has been committed, such officer may seize any firearm or electronic defense weapon, as defined in section 53a-3, as amended by this act, at the location where the crime is alleged to have been committed that is in the possession of any person arrested for the commission of such crime or suspected of its commission or that is in plain view. Not later than seven days after any such seizure, the law enforcement agency shall return such firearm or electronic defense weapon in its original condition to the rightful owner thereof unless such person is ineligible to possess such firearm or electronic defense weapon or unless otherwise ordered by the court.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	54-63c
Sec. 2	<i>October 1, 2006</i>	46b-38b(c)
Sec. 3	<i>October 1, 2006</i>	53a-222
Sec. 4	<i>October 1, 2006</i>	New section
Sec. 5	<i>October 1, 2006</i>	New section

Sec. 6	October 1, 2006	53a-3(20)
Sec. 7	October 1, 2006	46b-38b(a)

**JUD**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Public Safety, Dept.; Police Officer Std. & Training Council	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

This bill establishes two new crimes of assault by strangulation. To the extent that this increases the likelihood that violent offenders would be prosecuted or receive harsher penalties, a potential revenue gain from criminal fines and potential cost for incarceration and/or probation supervision in the community exist. It is anticipated that relatively few fines would be imposed on an annual basis, and, consequently, any revenue gain under the bill is expected to be minimal. On average, it costs the state \$2,150 to supervise an offender on probation in the community as compared to \$35,040 to incarcerate the offender (note that both figures include fringe benefits).

The bill will not result in an additional cost to the Department of Public Safety or the Police Officer Standards and Training Council. The bill allows law enforcement officers to seize electronic defense weapons at a family violence crime scene. Additionally, the bill could result in training for law enforcement officers which could result in an increase in workload, but will not result in a fiscal impact.

#### **The Out Years**

**State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$	FY 11 \$
Judicial Department (Probation); Correction, Dept.	GF - Cost	Potential	Potential	Potential
Judicial Dept.	GF - Potential Revenue Gain	Minimal	Minimal	Minimal
Public Safety, Dept.; Police Officer Std. & Training Council	GF - None	None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**OLR Bill Analysis****sSB 443*****AN ACT CONCERNING DOMESTIC VIOLENCE.*****SUMMARY:**

This bill establishes two new crimes of assault by strangulation.

It specifies nonfinancial conditions that police officers may set when releasing someone arrested for a family violence crime, makes the arrestee guilty of a crime if he intentionally violates some of the conditions, and increases the penalty for anyone who intentionally violates certain conditions of release.

The bill allows law enforcement officers to seize any electronic defense weapon that is in plain view or possessed by the arrestee at a family violence crime site. They can already seize firearms. Just as is the case with firearms, the bill requires the officers to return the weapon within seven days to its lawful owner if he is eligible to possess it and a court has not ordered otherwise.

Lastly, the bill specifies that stun guns and other conductive energy devices are types of electronic defense weapons. By law, it is illegal for anyone, other than a peace officer on official duty, to possess or carry these weapons in a motor vehicle or on his person.

EFFECTIVE DATE: October 1, 2006

**ASSAULT BY STRANGULATION**

Under the bill, a person is guilty of 2<sup>nd</sup> degree assault by strangulation when he intentionally and actually impedes another person's breathing or blood circulation by applying pressure to the person's throat or neck or by blocking the person's nose or mouth. The crime is a class D felony, punishable by up to five years in prison, a

\$5,000 fine, or both.

A person commits 1<sup>st</sup> degree assault by strangulation if he (1) is a repeat offender of 2<sup>nd</sup> degree strangulation or (2) commits 2<sup>nd</sup> degree strangulation and either causes serious physical injury or uses or attempts to use a dangerous instrument. This crime is a class B felony, punishable by up to 20 years in prison, a \$15,000 fine, or both.

### **CONDITIONAL RELEASE OF FAMILY VIOLENCE CRIME ARRESTEES**

By law, when a person is taken into custody for a bailable family violence offense and a court has not ordered otherwise, a police officer must interview him for information to determine the terms and conditions of release and release him if he posts a bond in an amount the officer sets. If the person cannot post bail, the officer notifies the bail commissioner.

The bill allows police officers to set release conditions that require an arrestee to:

1. avoid all contact with the alleged victim;
2. comply with any restrictions on travel, associations, or living accommodations that directly relate to the victim's protection; or
3. refrain from using or possessing a dangerous instrument, intoxicant, or controlled substance.

The conditions stay in effect until the arrestee is arraigned. The bill makes the arrestee guilty of a crime if he intentionally contacts an alleged victim or uses or possesses a dangerous weapon in violation of the release conditions. It increases the penalty for intentional violation of release conditions. Under current law, the crime is a class A misdemeanor, punishable by up to one year in prison, a \$2,000 fine or both. The bill makes it a class D felony (see above).

The bill absolves police officers from civil liability to any party of a family violence incident for personal or property injuries resulting

from the release conditions that the police set.

## BACKGROUND

### *Family Violence Crime*

A "family violence crime" is an incident between family or household members that either causes physical injury or creates fear that physical injury is about to occur, but does not include verbal abuse or arguments. "Family or household members" are spouses, former spouses, parents and their children, people age 18 or older related by blood or marriage, people age 16 or older either living together or who have lived together, people who have a child together, and people in or who once were in a dating relationship.

### *Electronic Defense Weapon*

An electronic defense weapon is one capable of immobilizing, but not killing or seriously injuring, a person through the use of an electronic impulse or current.

### *Related Bill*

sSB 105, favorably reported by the Public Safety Committee, prohibits all, but a select few, from selling or delivering electronic defense weapons.

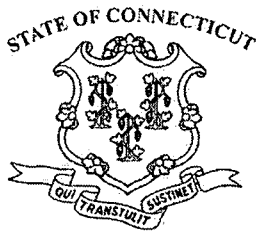
## COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/21/2006)





General Assembly

February Session, 2006

**[SENATE] Amendment**

LCO No. 4253



Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. Senate Bill No. 443

File No. 421

Cal. No. 287

**"AN ACT CONCERNING DOMESTIC VIOLENCE."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2006*) (a) For the purposes of  
4 this section, "sports official" means any person who officiates or  
5 enforces the rules at an amateur sporting or athletic event including,  
6 but not limited to, an umpire, referee, judge, timekeeper and scorer.

7 (b) A person is guilty of assault of a sports official when such  
8 person, with intent to intimidate or harass, or to retaliate against,  
9 another person on account of the performance by such other person of  
10 such other person's duties as a sports official and with intent to cause  
11 physical injury to such other person, causes physical injury to such  
12 other person.

13 (c) Assault of a sports official is a class D felony."

SENATE AMENDMENT

Calendar: 287  
LCO: 4253  
Bill: 443

ADOPTED voice ☐ REJECTED voice ☐

ADOPTED roll ☐ REJECTED roll ☐

## REPORT ON BILLS FAVORABLY REPORTED BY COMMITTEE

**COMMITTEE:** Judiciary Committee

**File No.:**

**Bill No.:** SB-443

**PH Date:** 3/13/2006

**Action/Date:** JFS 3/21/06

**Reference Change:**

### **TITLE OF BILL:**

AN ACT CONCERNING DOMESTIC VIOLENCE.

### **SPONSORS OF BILL:**

Chief State's Attorney

### **REASONS FOR BILL:**

Currently orders of protection, both criminal and civil, are only available during the court's normal business hours Monday through Friday, and thus leaves a gap in the protection on weekends and holidays of victims of domestic violence.

### **SUBSTITUTE LANGUAGE:**

In section 1 (b) (3) limits the condition of release and adds language to keep, non-financial conditions in effect until arrested person is presented before the superior court.

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

Chief's State's Attorney Christopher L. Morano-This bill represents a major initiative to further strengthen our laws to protect against domestic violence and to further promote the effective investigation and prosecution of these crimes. It is the product of months of discussion and deliberations by the Division of Criminal Justice, the Connecticut State Police, the Connecticut Police Chiefs Association and the Connecticut Coalition Against Domestic Violence.

Sections 1 and 2 of the bill represent a major breakthrough on an issue that has long stymied both the law enforcement community and the General Assembly.

Sections 4 and 5 of the bill represent a fine-tuning of the existing law to address incidents of violence that are not adequately covered by the existing law. These sections would create the new offense of assault of a family member by strangulation. There would be two degrees to the offense.

Section 6 and 7 reflect language that was presented to the General Assembly last year as part of the Division of Criminal Justice technical bill. Section 6 amends the law to specifically state that a taser-like weapon is an electronic defense weapon and not a firearm. This change addresses the concern that a taser-like weapon could be defined as a firearm because it discharges a projectile. Section 7 extends the current law allowing for the seizure of firearms in domestic violence cases to allow for the seizure of electronic defense weapons.

James Papillo, Victim Advocate-This is a troubling problem that relates to the lack of protection that can be afforded victims when an incident occurs after normal business hours or on the weekends. In situations where someone is arrested for a domestic violence offense and is quickly released on bond, the victim can be "exposed" to further danger and harm because law enforcement officials do not have the authority to issue orders and/or conditions of release that would make it a crime or violation to have any further contact with the victim.

While law enforcement officials will verbally admonish the accused to have no contact with the victim, if the accused "violates" such a verbal "order," there is no legal consequences for doing so and may offenders know this all too well. This "gap" in protection for victims of domestic and family violence must be closed.

This bill, in part, provides law enforcement officials with the authority to issue no contact orders to those accused of family or domestic violence crimes and, further, will allow law enforcement officials to arrest those accused of violating such orders as a condition of their release

I strongly support the inclusion of a stun gun or other conductive energy device in the definition of electronic defense weapons for which law enforcement officials may seize in the course of an alleged domestic or family violence investigation.

Natasha M. Pierre, Associate Legislative Analyst, Permanent Commission on the Status of Women-This bill would provide additional protection from sexual assault and domestic violence and would close the loophole to ensure that actions that are commonly thought of as sexual assault are included in the definition. In addition, this bill would allow police officers to issue no contact orders between alleged abusers and victims until the matter is addressed in court. This is critical because many domestic violence incidents occur on the weekends or during the holidays when access to courts are limited.

Dana E. Clark, Office of Chief Public Defender-Our office has concerns, which are twofold with sections 1 and 2 of this bill. First there can be often language barriers between the person arrested and the arresting officers. If an officer is permitted to set non-financial conditions of release, there is high likelihood that non-English and non-Spanish speaking defendants could be set up for failure from the outset. If a defendant does not understand

what is being told to him/her and cannot read, nor understand the conditions that are being prescribed, there is strong likelihood that the defendant could violate the conditions of release.

Second, if the defendant has mental retardation or is mentally ill, it is essential that there be available the assistance of trained professional to identify that such an issue exists. Otherwise, upon release, a defendant with mental illness or mental retardation, who may not understand the conditions that are imposed, may be set up for failure from the outset.

This office would oppose subsection (b) of section 3 of this bill, which would enhance the penalty for a "violation of conditions of release" from an A misdemeanor to a Class D felony. Because this proposal would enhance the penalty for those who may not understand what actions led to their being charged and for the reasons stated aforesaid, this office would request that the offense remain as a class A misdemeanor.

Section 4 and 5 of this bill create new crimes of assault of a family or household member by strangulation in the first and second degree. These crimes as written have the effect of singling out a certain form of violence as somehow more egregious than another form of violence. It is possible this legislation will provide probable cause for the arrest of children who are siblings who engage in "roughhousing" at home and their hands touch each other's necks or faces in the process. This legislation will also encompass those situations where a parent holds the jaw or face area of an unruly and out of control teenager in order to get his/her attention. While it appears that the intent may be to have a special form of assault for a family or household member, the language as written is vague and overbroad.

Deborah Fuller, External Affairs Division, Judicial Branch-We believe this bill sets out an appropriate process for addressing the issue of protection for victims of domestic violence during that time after arrest, but before the defendant's court appearance. We would respectfully request that the bill be amended to clarify the duration of the conditions of release imposed by the police, and would suggest that language be added to specify that such conditions remain in effect until 5:00 p.m. on the next regularly scheduled court date. This will allow an opportunity for the defendant to appear before a judge, who, after receiving input from all parties and the Judicial Branch's family relations counselors, can issue the appropriate protection orders. It will also ensure that there will not be two, perhaps inconsistent, sets of conditions of release in effect.

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

Lisa Holden, Executive Director, Connecticut Coalition Against Domestic Violence (CCADV)-This bill is the result of a historic collaboration that involved CCADV, the Office of the Chief's State's Attorney, the Connecticut Police Chiefs Association, the Connecticut State Police, the Department of Correction, the Office of Policy and Management, the Judicial Branch, and Senator Roraback. The purpose of the collaboration was to discuss a legal remedy that would be beneficial to victims of domestic violence and manageable for the criminal justice system. This bill provides for a separate criminal charge of assault by strangulation, as well as expands the law that allows law enforcement officers to confiscate dangerous weapons

from the scene of a domestic violence crime. Strangulation itself is far more indicative of extreme violence and an attempt to cause permanent harm or even death. Strangulation within the context of family violence is a powerful predictor of future lethal violence. A woman is 10 times more likely to be killed when her abuser has tried to strangle her in the past.

This bill has another important provision, that of adding assault by strangulation as a criminal act in and of itself. This bill adds an expanded definition to "electronic defense weapon" to include stun guns and other conductive energy devices. This will allow police officers to remove potentially lethal weapons from a home at the time of a domestic violence arrest. Removing weapons is a necessary and vital step to preventing future violence. Perpetrators of domestic violence need a consistent message of zero tolerance.

**NATURE AND SOURCES OF OPPOSITION:**

Nothing submitted

Sarah Kolb

3/22/06

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