

CONNECTICUT 2016

Legislative Session Update

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**CONNECTICUT ALLIANCE
TO END SEXUAL VIOLENCE**



Support. Advocate. Prevent.

formerly CONNSACS

“

Dripping water hollows out stone, not
through force but through persistence.

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INTRODUCTION



Connecticut Alliance to End Sexual Violence is a statewide coalition of nine individual sexual assault crisis programs that work to end sexual violence and to ensure high-quality, comprehensive, culturally competent victim services.

One of the many ways that Connecticut Alliance to End Sexual Violence advocates on behalf of survivors of sexual violence and the work of sexual assault crisis service programs is to engage in the legislative process. Each year, The Alliance works with member programs, survivors, advocates and community partners to identify key issues of focus for the upcoming legislative session which will support the work of sexual assault crisis services programs, benefit survivors of sexual violence, and hold offenders accountable for their actions.

This year, The Alliance identified six major issues of concentration for our 2016 Legislative Agenda. We worked to: preserve funding for sexual assault crisis services, support trafficking in persons initiatives, provide security for victims and survivors of sexual violence, ensure justice for victims and survivors of child sexual abuse, support a consistent affirmative consent policy, and establish a paid family leave program. The full 2016 Legislative Agenda for The Alliance can be found in Appendix A.

The Alliance engages with the legislature through its Legislative Action Committee (LAC). The LAC is made up of representatives from each of the nine sexual assault crisis service (SACS) member programs and The Alliance's Director of Policy and Public Relations. The purpose of the LAC is to advocate on behalf of sexual assault victims and survivors through legislative advocacy and education and to keep SACS programs informed about policy work. The committee is responsible for monitoring and responding to legislation; developing and recommending advocacy activities for member centers; enhancing the grassroots network for SACS member programs and The Alliance; providing legislative policy education to SACS member programs, elected officials, and statewide organizations; and advocating for the legislative agenda.

The 2016 LAC was extremely active (submitting testimony on 20 bills and testifying in person on 11 bills during the session) and effective and is proud to present this Connecticut 2016 Legislative Session Update.

FUNDING FOR SEXUAL ASSAULT CRISIS SERVICES

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CONNECTICUT STATE BUDGET FUNDING

STATUS	Bill No.	EFFECTIVE
PA 16-2, MSS	SB501	July 1, 2016

The Democratic legislative leadership in the Senate and House and the Governor negotiated a budget in the final hours of the legislative session. However, they did not have time to put it to a vote during the regular session. Therefore, the legislature convened a special legislative session to address the budget. The FY2017 budget was brought to a vote, passed in both houses, and received the Governor's signature.

Our member programs rely on the Rape Crisis line item in the Public Health budget in order to provide direct rape crisis services across the state. The FY2017 budget cut the Rape Crisis line item by 9.55%, which will have a direct effect on the ability for The Alliance to deliver direct crisis services to victims and survivors of sexual assault.

Sexual Assault Forensic Examiners (SAFEs) are trained professionals that work with sexual assault survivors when they present to the hospital for sexual assault evidence collection. The SAFE Program relies on funding in the Forensic Sex Evidence Exams line item in the Judicial Branch's budget to collect forensic evidence and Connecticut's hospitals rely on this line item for reimbursement for sexual assault evidence collection kits. The Sex Evidence Exams line item was cut by 6.48% in the FY2017 budget. This will affect the goal of the SAFE program to serve victims and survivors in all hospitals in Connecticut.

In addition, the Judicial Branch was deeply cut, forcing over 600 layoffs. The repercussions of those layoffs and cuts to services and programs for sexual assault victims within the criminal justice system will become clearer over time.

For More Information, Click [HERE](#)

PROTECTIONS AND SERVICES FOR SURVIVORS OF SEXUAL VIOLENCE



PROTECTION FOR THOSE IMPREGNATED THROUGH RAPE

Termination of the Parental Rights of Rapists

STATUS	Bill No.	EFFECTIVE
PA16-70	HB5605	July 1, 2016

HB5605, An Act Concerning the Termination of the Parental Rights, passed the House of Representatives and the Senate unanimously and the Governor has signed it into law. The new law provides a woman who has been impregnated through rape a clear and realistic path to terminating the parental rights of her rapist. Approximately 25,000 women in the U.S. are impregnated through rape every year and it is estimated that 30% continue the pregnancy. There are cases in Connecticut right now where rapists are using the threat of suing for custody and visitation as a way to ensure that a victim does not report the crime. This law allows civil court judges in Connecticut to terminate the parental rights of a rapist if there is clear and convincing evidence that the perpetrator committed sexual assault that resulted in the conception of the child.

Connecticut joins several states that have updated their statute concerning the termination of parental rights of rapists since the passage of the Federal Rape Survivor Child Custody Act. The new federal law will provide Connecticut an additional \$126,000 in federal Violence Against Women dollars each year for the next five years as a result of passing PA16-70.

For More Information, Click [HERE](#)

PROTECTION FOR SURVIVORS OF DOMESTIC VIOLENCE

Removing Weapons from Domestic Violence Offenders

STATUS	Bill No.	EFFECTIVE
PA 16-34	HB5054	Oct. 1, 2016

Between 2000 and 2014, there were an average of 14 intimate partner homicides annually and the most frequently used weapon was a firearm. Public Act 16-34, An Act Protecting Victims of Domestic Violence, is a new law that enables a judge to order the removal of firearms from a home upon issuance of an ex parte restraining order. Upon service of the ex parte restraining order the offender is required to transfer, deliver or surrender the firearms and/or ammunition within 24 hours. The hearing on the restraining order must be held within 7 days of service and if the restraining order is not granted, the firearms are returned.

For More Information, Click [HERE](#)

PROTECTING OUR CHILDREN IN SCHOOLS

Sexual Misconduct Disclosure Requirements for School Employment

STATUS	Bill No.	EFFECTIVE
PA16-67	HB5400	July 1, 2016

This new law expands the necessary background checks for school employees that will have contact with students to include whether or not they have committed abuse or sexual misconduct. It also requires schools to notify the State Board of Education when an employee is dismissed for sexual misconduct or if the employee leaves before an investigation has been completed. This information will then be available to local Boards of Education upon request for use in hiring considerations.

For More Information, Click [HERE](#)

PROTECTING THE PRIVACY OF VULNERABLE CHILDREN

Access to Recordings from Police Body Cameras

STATUS	Bill No.	EFFECTIVE
PA16-33	SB349	July 1, 2016

This new legislation allows recordings of minors by police body cameras to remain confidential unless the minor and parent consent to disclosure or the recording is part of a court case requiring its use for defense. It applies to recordings involving domestic abuse, sexual abuse, homicide, suicide, or a deceased accident victim.

For More Information, Click [HERE](#)

PROTECTION AND SERVICES FOR OUR ELDERS

Disclosure Requirements for Elder Abuse

STATUS	Bill No.	EFFECTIVE
PA 16-149	HB5289	July 1, 2016

A National Institute of Justice study found that elderly sexual assault is the most understudied form of elder mistreatment. It also found that (1) elderly sexual assault victims were not routinely evaluated to assess the psychological effects of an assault; (2) the older the victim, the less likelihood that the offender would be convicted of sexual abuse; (3) perpetrators were more likely to be charged with a crime if victims exhibited signs of physical trauma; and (4) victims in assisted living situations faced a lower likelihood than those living independently that charges would be brought and the assailant found guilty. Under prior law, the state Department of Social Services (DSS) had to investigate reports of elderly abuse if the elder resided in a long-term care facility. This act requires DSS to investigate regardless of whether or not the victim resides in a long-term care facility. It also requires DSS to disclose the results of the investigation to the person who reported the abuse. In addition DSS must develop a plan to incorporate federal guidelines for elder protective services into the state elderly protective services program.

For More Information, Click [HERE](#)

COMMERCIAL SEX TRAFFICKING INITIATIVES



BACKGROUND

A Statewide Assessment

Connecticut Alliance to End Sexual Violence is an active member of the Trafficking in Persons (TIP) Council. The TIP Council is chaired and convened by the Permanent Commission on the Status of Women and is responsible for identifying criteria for providing services to adult and children who are victims of human trafficking. In addition, the TIP council consults with both governmental and non-governmental organizations to develop recommendations for strengthening prevention and prosecution at the state and local level. The TIP Council's policy recommendations for the 2016 Legislative Session can be found [HERE](#).

A current initiative of the TIP Council is to perform a statewide assessment to identify strengths and gaps in anti-trafficking efforts, identify the trauma-informed manner in which services and resources are provided to survivors of human trafficking, and inform a coordinated response to trafficking in persons that is community-led and can serve as a bridge between geographic areas of Connecticut, between sectors, and between anti-trafficking groups. The Alliance was a part of the TIP Council subcommittee that reviewed proposals for this study, which was slated to begin in May 2016.

COMMERCIAL SEX TRAFFICKING LEGISLATION

Strengthening Connecticut's Response

STATUS	Bill No.	EFFECTIVE
PA16-71	HB5621	Oct. 1, 2016

HB5621, An Act Concerning Human Trafficking, passed both the House and Senate unanimously and received the Governor's signature. Highlights include the requirement that each state's attorney and municipal police chief must annually report information on trafficking cases and their anti-trafficking efforts to the Children's and Judiciary committees so that they can make recommendations on how to improve Connecticut's response to investigation and prosecution of human trafficking. It also requires hotels and motels to keep records of their patrons for a minimum of six months, which will help with human trafficking investigation and prosecution. The Department of Children and Families and the Department of Emergency Services and Public Protection must create training programs for hotel and motel employees that help them to recognize and report human trafficking. The new law also prohibits 16- and 17-year-olds from being prosecuted for prostitution; instead, it must be assumed that they are victims of commercial sex trafficking. It expands the crime of enticing a minor to age 18. And it addresses the demand side of prostitution by allowing forfeiture of goods and property involved in soliciting prostitution and trafficking, including forfeiture of a motor vehicle.

For More Information, Click [HERE](#)

SEXUAL ASSAULT ON COLLEGE CAMPUSES



A CONSISTENT, CLEAR AND EFFECTIVE POLICY FOR CONNECTICUT'S COLLEGES AND UNIVERSITIES

Affirmative Consent: Yes Means Yes

STATUS	Bill No.	EFFECTIVE
PA16-106	HB5376	July 1, 2016

In 2014, Connecticut adopted laws that require all institutions of higher education to have policies regarding sexual assault, stalking and intimate partner violence. These policies were to provide students and faculty with information on how to receive assistance if they experience these forms of violence, what disciplinary procedures will be in place to address these forms of violence, and what possible consequences there will be for people who perpetrate these forms of violence. It also required the schools to provide educational programming to raise awareness of and to prevent sexual violence.

This new law defines affirmative consent as “an active, clear and voluntary agreement by a person to engage in sexual activity with another person” and requires Connecticut's institutions of higher education to use this standard to determine whether or not a sexual activity was consensual in the context of their disciplinary procedures.

It is sometimes called ‘yes means yes,’ which necessitates an active affirmation of consent before engaging in sexual activity. This contrasts with the former standard of ‘no means no,’ which leaves people who are unable to consent (incapacity due to drugs or alcohol, illness, fear, etc.) vulnerable.

A January 2016 Office of Legislative Research [report](#) found that most of Connecticut's institutions of higher education have consent policies that could be considered affirmative consent, but that these policies varied significantly in scope and content. This new law provides a consistent, clear and more effective policy for all of Connecticut's colleges and universities.

For More Information, Click [HERE](#)

BILLS OF NOTE



Below are bills of note that The Alliance supported or opposed that did not become law this session.

BILLS THE ALLIANCE SUPPORTED

An Ongoing Discussion

SB221 AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE

This bill would have established a paid family leave program in the state for workers to take time out of work to care for themselves or family members. It is important that survivors have an opportunity to access the healthcare they need to begin the process of reclaiming their power and their lives. The absence of the option for Paid Family Leave can present a barrier to accessing these services for many people whether it is because their employer does not meet the size threshold to activate the Family and Medical Leave Act or it is because their leave would be unpaid and present a true financial hardship. Survivors must be able to access crisis services when they need them the most. Therefore we supported this initiative to create a system of paid family leave for Connecticut workers.

For More Information, Click [HERE](#)

HB5631 AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION WITH RESPECT TO VICTIM NOTIFICATION

As Connecticut's laws are changing and giving perpetrators more options for early release such as earning risk reduction credits, it is becoming more difficult for victims and survivors to tease out the actual penalty that their perpetrators will receive. This is particularly important as a victim has a right in the Connecticut State Constitution to address the court with regard to a plea agreement before it rules on that agreement. This bill would have required the lead attorney in the case of sexual assault to communicate specific sentencing information to the victim or survivor prior to the court accepting a plea agreement. The attorney would also have to provide information on the maximum term of imprisonment and whether or not the perpetrator would be eligible for risk reduction credits or be released on parole. This would have allowed a victim or survivor the opportunity to fully understand the implications of the plea agreement and be able to address these implications in court before a judge ruled on the plea agreement.

For More Information, Click [HERE](#)

SB442 AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM A PERSON ACCUSED OF COMMITTING A CRIME

According to the Connecticut State Constitution, victims of crime have a right to be reasonably protected from the accused. Measures in SB442 would have helped to ensure that right is upheld.

When a court issues a protective order, it can be a dangerous time for a victim of sexual assault, a time when there can be an increased risk of retaliation and further violence. Connecticut has laws that require the subject of the protective order to surrender, deliver or transfer firearms. A victim who has applied for and received the protection of a protective order has the right to know if the subject of the protective order has complied with the laws regarding their firearm possession as it directly affects their safety. Therefore, The Alliance supported the requirement in this bill that the victim be notified in a timely manner of the firearm possession compliance of the subject of a protective order.

The Alliance also supported putting the onus on the court to notify a victim of a crime that a defendant has applied to participate in a diversionary program so that a victim could have the opportunity to be heard before the court rules on the application. Current law puts the onus on the defendant to notify the victim. Thus, the defendant is provided the name and address of the victim in order to notify them of their application. This is an unnecessary risk and can be re-traumatizing to the victim. The Alliance agreed that the court is the more appropriate entity to notify a victim in these cases. The Alliance also supported a section of the bill that provides important notifications to victims when their perpetrators are arrested, released on bond, and are to appear in court. This information is critical to the victim's safety and peace of mind. In addition, this information allows the victim to exercise their right to be present at the hearings.

For More Information, Click [HERE](#)

HB5140 AN ACT CONCERNING THE USE OF THERAPY ANIMALS TO COMFORT CHILDREN TESTIFYING IN CERTAIN CRIMINAL PROSECUTIONS

This bill would have allowed the use of therapy animals to provide comfort to children who are testifying in a criminal prosecution of an offense involving the assault, sexual assault or abuse of a child twelve years of age or younger.

For More Information, Click [HERE](#)

BILLS THE ALLIANCE OPPOSED

A Voice for Victims and Survivors

SB443 AN ACT CONCERNING NOTIFICATION TO VICTIM SUPPORT GROUPS OF THE NAMES OF VICTIMS OF DOMESTIC VIOLENCE

This bill would have allowed municipal police officers to supersede privacy laws and give the contact information of people who have experienced domestic violence or sexual violence to local victim support groups. The Alliance appreciates that this bill acknowledges the important advocacy and support work that victim support groups

provide to survivors of domestic violence and sexual assault. We invite anyone who encounters a survivor of sexual assault to provide that person with our contact information so that they can contact us if they choose to do so. The key is to let them choose whether or not to reach out to us.

People react to trauma in a variety of ways. There is no right or wrong way to react to or process trauma. Different people need different things. A survivor of trauma should be empowered to make their own decisions. This includes whether or not to reach out to a victim support group. People who experience the trauma of sexual assault have lost their power over decisions regarding their bodies. Reclaiming their power to make their own decisions is an important part of the healing process. Providing them with information and allowing them to decide what their next steps will be is empowering to them.

In addition, there may be myriad reasons why a survivor of sexual violence may not want to have their name given out. They may know someone who works at the local victim service group and may not want to disclose what is happening to them to that particular acquaintance. They may have safety concerns. If victims know that their names will be given out, for many, it will discourage reporting.

Sexual violence is already severely underreported. Maintaining privacy is of the utmost importance. Though the intention of this legislation (to connect victims and survivors with much needed services) is honorable, there will be unintended consequences, including further victimizing someone who has already lost their agency as well as discouraging survivors from reporting. Therefore, The Alliance opposed this bill.

For More Information, Click [HERE](#)

SB378 AN ACT CONCERNING THE RECOMMENDATIONS OF THE HIGH SCHOOL GRADUATION REQUIREMENTS TASK FORCE

This bill proposed to eliminate health education from the state's high school graduation requirements. Doing so will be counter to efforts to implement a comprehensive approach to sexual health education, which is not only important for social and emotional development, it is an important tool for sexual assault prevention. Our schools should strive to educate the whole child. Doing so means that a student's physical, social and emotional development should have the same support as their academic development. One cannot succeed without the other.

In 2014, the legislature passed PA-14-196, An Act Concerning a State-wide Sexual Abuse and Assault Awareness Program. In October of this year, all schools K-12 in Connecticut will be required to implement that plan that the State Department of Education, Department of Children and Families, Connecticut Alliance to End Sexual Violence, and a state-wide multidisciplinary panel including Connecticut Boards of Education and Connecticut Association of Public School Superintendents created over the past year and a half. Schools will be teaching students in age-appropriate ways about respectful interpersonal interactions, what it means to have active consent, and what healthy relationships look like. They will also touch on what it looks like when relationships are not healthy, how to identify them, and how a student can get help if that happens. It will not only help students to recognize healthy and unhealthy

relationships, it will help them to better understand what is expected of them in appropriate interpersonal interactions, thus using discussion and education to prevent future sexual assaults. The plan is designed to be part of a comprehensive look at sexual health education and should not be left to be taught in a vacuum without supporting health education efforts. The Alliance asked that the committee consider amending SB378 to re-instate the half-credit health education requirement for high school graduation. The bill did not pass out of committee.

For More Information, Click [HERE](#)

HB5529 AN ACT CONCERNING SEXUAL OFFENDER REGISTRATION LAWS, RESIDENCY RESTRICTIONS FOR REGISTERED SEXUAL OFFENDERS
and

SB473 AN ACT CONCERNING A PETITION FOR RELEASE FROM THE REQUIREMENT TO REGISTER AS A SEX OFFENDER FOR LIFE

These bills would have preempted the work of the Sentencing Commission that is currently under way. Last year, the legislature directed the Sentencing Commission to take a comprehensive look at sex offender sentencing, management, and the registry and to report back to the General Assembly with recommendations (Special Act (SA) 15-2).

Executive Director of The Alliance, Laura Cordes, serves on the multi-disciplinary sixteen-member Special Committee on Sex Offenders established as a result of SA 15-2, which began meeting in August 2015. The committee has already begun the work on a study, which is examining the very issues raised in HB5529 regarding the registry and housing issues for offenders; it likewise is looking at options for post-sentence appeals for offenders on the sex offender registry for life as outlined in SB473.

The group has three active subcommittees, one of which Laura co-chairs, the Victim and Community Needs Subcommittee, which will conduct focus groups with victims and survivors this year to understand their needs and concerns related to sex offender sentences, and the supervision and management of offenders in the community. Much of the committee's work is documented in the Sentencing Commission's [interim report](#) released recently to members of the General Assembly.

For More Information, Click [HERE](#) (HB5529) or Click [HERE](#) (SB473)

A BILL OF CONCERN

Upholding Rights of Victims and Survivors in the Juvenile Courts

SB18 AN ACT CONCERNING A SECOND CHANCE SOCIETY

Connecticut has been looking at ways to treat juveniles in the criminal justice system for many years. This year's bill would have gradually increased, from age 17 to age 20, the age at which offenders would be tried in juvenile rather than adult court for many offenses. It was in part a response to research on brain development and the ability of young adults to fully understand the consequences of their actions, as well as research showing that incarcerating youth increases the likelihood that these individuals will be incarcerated in the future.

Though The Alliance recognizes the importance of examining the ways we respond to juvenile crimes in Connecticut, it expressed deep concerns that this bill would be a step backwards for the victims and survivors of sexual assault whose rights would be limited in juvenile courts. Article XXIX of the Connecticut Constitution grants victims the right to attend the trial and all other court proceedings that accused has a right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony. They also have the right to (1) object or support any plea agreement; (2) make a statement to the court at sentencing; the (3) restitution; and (4) information on the arrest, conviction, sentence imprisonment and release of the accused.

Many juvenile/youth court proceedings are conducted behind closed doors. It is imperative that victims of sexual assault do not lose their constitutional rights to full access to court proceedings when the cases of 18-, 19-, and 20-year-old perpetrators are no longer heard in adult court. Victims of Sexual Assault also have the right to be accompanied in court by a victim advocate. That right is not guaranteed if a case is tried in juvenile court.

In addition, there are successful systems and supports in place right now for 18-, 19- and 20-year-old sexual offenders that significantly reduce recidivism. For nearly a decade Connecticut has utilized a statewide collaborative model for the supervision and treatment of sex offenders which has been lauded nationally as a model response. The approach links parole and probation officers with sexual assault victim advocates and providers of sex offender treatment and programming who together design oversight and supervision plans for every offender. This model has been proven to reduce recidivism and is the only venue available for victims of sexual assault to have a voice in the oversight and supervision plans for their offenders. Nothing similar exists through the juvenile courts.

Therefore, 18-, 19-, and 20-year-old perpetrators of sexual assault who would be tried in juvenile courts if the age were raised would no longer participate in this cooperative program that reduces recidivism and their victims would no longer have a voice in that plan.

To address these concerns, The Alliance suggested that SB18 should include language that specifically states that victims of sexual assault should still have the same rights and access to victim advocates and court proceedings for 18-, 19-, and 20-year-olds whose cases are being tried in a juvenile court as they would if those cases were tried in an adult court. The Alliance also requested that the legislation include language that would preclude allowing 18-, 19-, and 20-year-olds on trial for sexual assault from juvenile/youth court until the programs that they have access to through the adult courts were made available through the juvenile/youth courts.

For More Information, Click [HERE](#)

APPENDIX A



2016 LEGISLATIVE AGENDA

Preserve Funding for Sexual Assault Crisis Services

Protect the Rape Crisis funding in the Department of Public Health budget which supports the vital work of our nine community-based sexual assault crisis services programs. This work includes a statewide 24-hour hotline, hospital and court accompaniments, support groups, and crisis counseling for survivors of sexual violence and their loved ones. Sexual assault crisis services are the only programs in Connecticut that specialize in both the counseling and advocacy needs of sexual assault survivors and their loved ones.

Strengthen CT's Anti-Trafficking Laws

Support efforts to hold those who patronize prostitutes accountable and ensure that all minors under the age of 18 are treated as victims of commercial sexual exploitation and not prosecuted under this statute. Children who are victims of commercial sexual exploitation need support and services, not arrest and prosecution.

Provide Security for Victims and Survivors of Sexual Violence

Take advantage of increased federal dollars through the Rape Survivor Child Custody Act, which offers increased Violence Against Women funding for states that restrict the rights of rapists to claim custody over the children conceived as a result of the rape, providing key protections to sexual assault survivors and their children.

Ensure Justice for Victims and Survivors of Child Sexual Abuse

Support recommendations of the Governor's Victims' Rights Enforcement Advisory Commission report, including removal of the statute of limitations in child sexual assault cases and development of a statewide taskforce to adopt best practices for the investigation and prosecution of sexual assault cases.

Support a Consistent Affirmative Consent Policy

Work to codify current practices of using an affirmative consent standard with regard to sexual assault in student conduct codes and to ensure that students and faculty are educated on the expectation of acquiring active, unambiguous and voluntary agreement by a person to engage in sexual activity with another person that is sustained throughout the sexual activity and may be revoked at any time by any person.

Establish a Paid Family Leave Program

Work with colleagues to establish a paid family leave program in the state for workers to take time out of work to care for themselves or loved ones.