



Substitute Senate Bill No. 5

Public Act No. 23-106

**AN ACT STRENGTHENING THE PROTECTIONS AGAINST AND
RESPONSE TO DOMESTIC VIOLENCE.**

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

Section 1. Subsection (f) of section 46b-38c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(f) The Judicial Department [may] shall establish [, within available appropriations, a pilot program in three judicial districts] a program within each judicial district for the purpose of using electronic monitoring in accordance with this subsection. [Such pilot program shall be conducted in at least one judicial district that contains an urban area, as defined in section 4b-13, and at least one judicial district that does not contain such an urban area. Pursuant to such pilot] Under the program, the court may order that any person appearing in such judicial district who is charged with the violation of a restraining order or a protective order, and who has been determined to be a high-risk offender by the family violence intervention unit, be subject to electronic monitoring designed to warn law enforcement agencies, a state-wide information collection center and the victim when the person is within a specified distance of the victim, if the court finds that such electronic monitoring is necessary to protect the victim. [, provided the cost of such

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electronic monitoring is paid by the person who is subject to such electronic monitoring, subject to guidelines established by the Chief Court Administrator.] If the court orders that such person be subject to electronic monitoring, the clerk of the court shall send, by facsimile or other means, a copy of the order, or the information contained in any such order, to the law enforcement agency or agencies for the town in which the person resides. [The Judicial Department shall cease operation of any pilot program established under this subsection not later than March 31, 2011, unless resources are available to continue operation of the pilot program. On and after July 1, 2012, the Judicial Department may resume operation of the pilot program, within available resources, and may operate such pilot program in one or more additional judicial districts, within such available resources] The Judicial Branch shall establish the program within each judicial district not later than October 1, 2025.

Sec. 2. (NEW) (*Effective October 1, 2023*) (a) Notwithstanding the provisions of sections 46b-82, 46b-83 and 46b-86 of the general statutes, no court may enter an order of payment of temporary or permanent alimony from an injured spouse to a spouse who, at any time after the date of marriage, is convicted of: (1) Criminal attempt to commit murder of the other spouse, under section 53a-49 of the general statutes and sections 53a-54a to 53a-54d, inclusive, of the general statutes; (2) conspiracy to commit murder of the other spouse, under section 53a-48 of the general statutes and sections 53a-54a to 53a-54d, inclusive, of the general statutes; (3) a class A or B felony sexual assault of the other spouse, under section 53a-70, 53a-70a, 53a-71 or 53a-72b of the general statutes; (4) a class A or B felony family violence crime as defined in section 46b-38a of the general statutes; or (5) any crime in another state, the essential elements of which are substantially the same as the crimes enumerated in subdivisions (1) to (4), inclusive, of this subsection.

(b) The existence of any conviction for a crime set forth in subsection

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(a) of this section shall preclude a court from ordering an award of attorney's fees from an injured spouse to a spouse convicted of such crime.

(c) As used in this section, "injured spouse" means the spouse who has been the victim of a crime set forth in subsection (a) of this section, irrespective of whether physical injury occurred in the commission of such crime.

Sec. 3. Subsection (h) of section 46b-15f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2023*):

(h) For each year that funding is provided for the program under this section, the organization administering the program shall either conduct, or partner with an academic institution or other qualified entity for the purpose of conducting, an analysis of the impact of the program, including, but not limited to, (1) the procedural outcomes for applications filed in association with services provided by grant recipients under the program, (2) the types and extent of legal services provided to individuals served pursuant to the program, including on matters ancillary to the restraining order application, and (3) the number of cases where legal services were provided before an application was filed but legal representation did not continue during the restraining order process and the reasons for such limited representations. Not later than July first of the year following any year in which the program received funding, the organization administering the program shall submit a report on the results of such analysis in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Not later than December 1, 2023, the organization administering the program shall submit a report in accordance with the provisions of section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters

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relating to the judiciary on the potential state-wide expansion of the program. Such report shall include, but not be limited to: (A) Whether there are or could be a sufficient number of grant recipients to administer the program in each applicable courthouse in the state; (B) which, if any, courthouse in the state is not a feasible location for expansion of the program; and (C) the level of funding needed to fund a state-wide expansion of the program.