



General Assembly

Substitute Bill No. 1091

January Session, 2021



AN ACT CONCERNING THE DEFINITION OF DOMESTIC VIOLENCE, REVISING STATUTES CONCERNING DOMESTIC VIOLENCE, CHILD CUSTODY, FAMILY RELATIONS MATTER FILINGS AND BIGOTRY OR BIAS CRIMES AND CREATING A PROGRAM TO PROVIDE LEGAL COUNSEL TO INDIGENTS IN RESTRAINING ORDER CASES.

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

1 Section 1. Section 46b-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) Matters within the jurisdiction of the Superior Court deemed to
4 be family relations matters shall be matters affecting or involving: (1)
5 Dissolution of marriage, contested and uncontested, except dissolution
6 upon conviction of crime as provided in section [46b-47] ~~46b-48~~; (2) legal
7 separation; (3) annulment of marriage; (4) alimony, support, custody
8 and change of name incident to dissolution of marriage, legal separation
9 and annulment; (5) actions brought under section 46b-15, as amended
10 by this act; (6) complaints for change of name; (7) civil support
11 obligations; (8) habeas corpus and other proceedings to determine the
12 custody and visitation of children; (9) habeas corpus brought by or on
13 behalf of any mentally ill person except a person charged with a criminal
14 offense; (10) appointment of a commission to inquire whether a person
15 is wrongfully confined as provided by section 17a-523; (11) juvenile
16 matters as provided in section 46b-121; (12) all rights and remedies

17 provided for in chapter 815j; (13) the establishing of paternity; (14)
18 appeals from probate concerning: (A) Adoption or termination of
19 parental rights; (B) appointment and removal of guardians; (C) custody
20 of a minor child; (D) appointment and removal of conservators; (E)
21 orders for custody of any child; and (F) orders of commitment of persons
22 to public and private institutions and to other appropriate facilities as
23 provided by statute; (15) actions related to prenuptial and separation
24 agreements and to matrimonial and civil union decrees of a foreign
25 jurisdiction; (16) dissolution, legal separation or annulment of a civil
26 union performed in a foreign jurisdiction; (17) custody proceedings
27 brought under the provisions of chapter 815p; and (18) all such other
28 matters within the jurisdiction of the Superior Court concerning
29 children or family relations as may be determined by the judges of said
30 court.

31 (b) As used in this title, unless the context otherwise requires,
32 "domestic violence" means: (1) A continuous threat of present physical
33 pain or physical injury against a family or household member, as
34 defined in section 46b-38a; (2) stalking, including but not limited to,
35 stalking as described in section 53a-181d, of such family or household
36 member; (3) a pattern of threatening, including but not limited to, a
37 pattern of threatening as described in section 53a-62, of such family or
38 household member or a third party with intent to intimidate such family
39 or household member; or (4) coercive control of such family or
40 household member, which is a pattern of behavior that in purpose or
41 effect unreasonably interferes with a person's free will and personal
42 liberty. "Coercive control" includes, but is not limited to, unreasonably
43 engaging in any of the following:

44 (A) Isolating the family or household member from friends, relatives
45 or other sources of support;

46 (B) Depriving the family or household member of basic necessities;

47 (C) Controlling, regulating or monitoring the family or household
48 member's movements, communications, daily behavior, finances,

49 economic resources or access to services;

50 (D) Compelling the family or household member by force, threat or
51 intimidation, including, but not limited to, threats based on actual or
52 suspected immigration status, to (i) engage in conduct from which such
53 family or household member has a right to abstain, or (ii) abstain from
54 conduct that such family or household member has a right to pursue;

55 (E) Committing or threatening to commit cruelty to animals that
56 intimidates the applicant; or

57 (F) Forced sex acts, or threats of a sexual nature, including, but not
58 limited to, threatened acts of sexual conduct, threats based on a person's
59 sexuality or threats to release sexual images.

60 Sec. 2. Section 46b-15 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2021*):

62 (a) Any family or household member, as defined in section 46b-38a,
63 who [has been subjected to a continuous threat of present physical pain
64 or physical injury, stalking or a pattern of threatening, including, but
65 not limited to, a pattern of threatening, as described in section 53a-62,
66 by another family or household member] is the victim of domestic
67 violence by another family or household member may make an
68 application to the Superior Court for relief under this section. The court
69 shall provide any person who applies for relief under this section with
70 the information set forth in section 46b-15b. As used in this section,
71 "domestic violence" means (1) A continuous threat of present physical
72 pain or physical injury against the applicant; (2) stalking, including but
73 not limited to, stalking as described in section 53a-181d, of the applicant;
74 (3) a pattern of threatening, including but not limited to, a pattern of
75 threatening as described in section 53a-62, of the applicant or a third
76 party with intent to intimidate the applicant; or (4) coercive control of
77 the applicant, which is a pattern of behavior that in purpose or effect
78 unreasonably interferes with the applicant's free will and personal
79 liberty. "Coercive control" includes, but is not limited to, unreasonably

80 engaging in any of the following:

81 (A) Isolating the applicant from friends, relatives or other sources of
82 support;

83 (B) Depriving the applicant of basic necessities;

84 (C) Controlling, regulating or monitoring the applicant's movements,
85 communications, daily behavior, finances, economic resources or access
86 to services;

87 (D) Compelling the applicant by force, threat or intimidation,
88 including threats based on actual or suspected immigration status, to (i)
89 engage in conduct from which such applicant has a right to abstain, or
90 (ii) abstain from conduct that such applicant has a right to pursue;

91 (E) Committing or threatening to commit cruelty to animals that
92 intimidates the applicant; or

93 (F) Forced sex acts with the applicant, or making threats of a sexual
94 nature to the applicant, including, but not limited to, threatened acts of
95 sexual conduct, threats based on a person's sexuality or threats to release
96 sexual images involving the applicant.

97 (b) The application form shall allow the applicant, at the applicant's
98 option, to indicate whether the respondent holds a permit to carry a
99 pistol or revolver, an eligibility certificate for a pistol or revolver, a long
100 gun eligibility certificate or an ammunition certificate or possesses one
101 or more firearms or ammunition. The application shall be accompanied
102 by [an affidavit made under oath which includes a brief] a statement of
103 the conditions from which relief is sought made under penalty of false
104 statement pursuant to section 53a-157b. Upon receipt of the application
105 the court shall order that a hearing on the application be held not later
106 than fourteen days from the date of the order except that, if the
107 application indicates that the respondent holds a permit to carry a pistol
108 or revolver, an eligibility certificate for a pistol or revolver, a long gun
109 eligibility certificate or an ammunition certificate or possesses one or

110 more firearms or ammunition, and the court orders an ex parte order,
111 the court shall order that a hearing be held on the application not later
112 than seven days from the date on which the ex parte order is issued. The
113 court, in its discretion, may make such orders as it deems appropriate
114 for the protection of the applicant and such dependent children or other
115 persons as the court sees fit. In making such orders ex parte, the court,
116 in its discretion, may consider relevant court records if the records are
117 available to the public from a clerk of the Superior Court or on the
118 Judicial Branch's Internet web site. In addition, at the time of the
119 hearing, the court, in its discretion, may also consider a report prepared
120 by the family services unit of the Judicial Branch that may include, as
121 available: Any existing or prior orders of protection obtained from the
122 protection order registry; information on any pending criminal case or
123 past criminal case in which the respondent was convicted of a violent
124 crime; any outstanding arrest warrant for the respondent; and the
125 respondent's level of risk based on a risk assessment tool utilized by the
126 Court Support Services Division. The report may also include
127 information pertaining to any pending or disposed family matters case
128 involving the applicant and respondent. Any report provided by the
129 Court Support Services Division to the court shall also be provided to
130 the applicant and respondent. Such orders may include temporary child
131 custody or visitation rights, and such relief may include, but is not
132 limited to, an order enjoining the respondent from (1) imposing any
133 restraint upon the person or liberty of the applicant; (2) threatening,
134 harassing, assaulting, molesting, sexually assaulting or attacking the
135 applicant; or (3) entering the family dwelling or the dwelling of the
136 applicant. Such order may include provisions necessary to protect any
137 animal owned or kept by the applicant including, but not limited to, an
138 order enjoining the respondent from injuring or threatening to injure
139 such animal. If an applicant alleges an immediate and present physical
140 danger to the applicant, the court may issue an ex parte order granting
141 such relief as it deems appropriate. If a postponement of a hearing on
142 the application is requested by either party and granted, the ex parte
143 order shall not be continued except upon agreement of the parties or by
144 order of the court for good cause shown. If a hearing on the application

145 is scheduled or an ex parte order is granted and the court is closed on
146 the scheduled hearing date, the hearing shall be held on the next day the
147 court is open and any such ex parte order shall remain in effect until the
148 date of such hearing. If the applicant is under eighteen years of age, a
149 parent, guardian or responsible adult who brings the application as next
150 friend of the applicant may not speak on the applicant's behalf at such
151 hearing unless there is good cause shown as to why the applicant is
152 unable to speak on his or her own behalf, except that nothing in this
153 subsection shall preclude such parent, guardian or responsible adult
154 from testifying as a witness at such hearing. As used in this subsection,
155 "violent crime" includes: (A) An incident resulting in physical harm,
156 bodily injury or assault; (B) an act of threatened violence that constitutes
157 fear of imminent physical harm, bodily injury or assault, including, but
158 not limited to, stalking or a pattern of threatening; (C) verbal abuse or
159 argument if there is a present danger and likelihood that physical
160 violence will occur; and (D) cruelty to animals as set forth in section 53-
161 247.

162 (c) If the court issues an ex parte order pursuant to subsection (b) of
163 this section and service has not been made on the respondent in
164 conformance with subsection (h) of this section, upon request of the
165 applicant, the court shall, based on the information contained in the
166 original application, extend any ex parte order for an additional period
167 not to exceed fourteen days from the originally scheduled hearing date.
168 The clerk shall prepare a new order of hearing and notice containing the
169 new hearing date, which shall be served upon the respondent in
170 accordance with the provisions of subsection (h) of this section.

171 (d) Any ex parte restraining order entered under subsection (b) of this
172 section in which the applicant and respondent are spouses, or persons
173 who have a dependent child or children in common and who live
174 together, may include, if no order exists, and if necessary to maintain
175 the safety and basic needs of the applicant or the dependent child or
176 children in common of the applicant and respondent, in addition to any
177 orders authorized under subsection (b) of this section, any of the

178 following: (1) An order prohibiting the respondent from (A) taking any
179 action that could result in the termination of any necessary utility
180 services or necessary services related to the family dwelling or the
181 dwelling of the applicant, (B) taking any action that could result in the
182 cancellation, change of coverage or change of beneficiary of any health,
183 automobile or homeowners insurance policy to the detriment of the
184 applicant or the dependent child or children in common of the applicant
185 and respondent, or (C) transferring, encumbering, concealing or
186 disposing of specified property owned or leased by the applicant; or (2)
187 an order providing the applicant with temporary possession of an
188 automobile, checkbook, documentation of health, automobile or
189 homeowners insurance, a document needed for purposes of proving
190 identity, a key or other necessary specified personal effects.

191 (e) At the hearing on any application under this section, if the court
192 grants relief pursuant to subsection (b) of this section and the applicant
193 and respondent are spouses, or persons who have a dependent child or
194 children in common and who live together, and if necessary to maintain
195 the safety and basic needs of the applicant or the dependent child or
196 children in common of the applicant and respondent, any orders
197 entered by the court may include, in addition to the orders authorized
198 under subsection (b) of this section, any of the following: (1) An order
199 prohibiting the respondent from (A) taking any action that could result
200 in the termination of any necessary utility services or services related to
201 the family dwelling or the dwelling of the applicant, (B) taking any
202 action that could result in the cancellation, change of coverage or change
203 of beneficiary of any health, automobile or homeowners insurance
204 policy to the detriment of the applicant or the dependent child or
205 children in common of the applicant and respondent, or (C)
206 transferring, encumbering, concealing or disposing of specified
207 property owned or leased by the applicant; (2) an order providing the
208 applicant with temporary possession of an automobile, checkbook,
209 documentation of health, automobile or homeowners insurance, a
210 document needed for purposes of proving identity, a key or other
211 necessary specified personal effects; or (3) an order that the respondent:

212 (A) Make rent or mortgage payments on the family dwelling or the
213 dwelling of the applicant and the dependent child or children in
214 common of the applicant and respondent, (B) maintain utility services
215 or other necessary services related to the family dwelling or the
216 dwelling of the applicant and the dependent child or children in
217 common of the applicant and respondent, (C) maintain all existing
218 health, automobile or homeowners insurance coverage without change
219 in coverage or beneficiary designation, or (D) provide financial support
220 for the benefit of any dependent child or children in common of the
221 applicant and the respondent, provided the respondent has a legal duty
222 to support such child or children and the ability to pay. The court shall
223 not enter any order of financial support without sufficient evidence as
224 to the ability to pay, including, but not limited to, financial affidavits. If
225 at the hearing no order is entered under this subsection or subsection
226 (d) of this section, no such order may be entered thereafter pursuant to
227 this section. Any order entered pursuant to this subsection shall not be
228 subject to modification and shall expire one hundred twenty days after
229 the date of issuance or upon issuance of a superseding order, whichever
230 occurs first. Any amounts not paid or collected under this subsection or
231 subsection (d) of this section may be preserved and collectible in an
232 action for dissolution of marriage, custody, paternity or support.

233 (f) (1) Every order of the court made in accordance with this section
234 shall contain the following language: [(1)] (A) "This order may be
235 extended by the court beyond one year. In accordance with section 53a-
236 107 of the Connecticut general statutes, entering or remaining in a
237 building or any other premises in violation of this order constitutes
238 criminal trespass in the first degree. This is a criminal offense punishable
239 by a term of imprisonment of not more than one year, a fine of not more
240 than two thousand dollars or both."; and [(2)] (B) "In accordance with
241 section 53a-223b of the Connecticut general statutes, any violation of
242 subparagraph (A) or (B) of subdivision (2) of subsection (a) of section
243 53a-223b constitutes criminal violation of a restraining order which is
244 punishable by a term of imprisonment of not more than five years, a fine
245 of not more than five thousand dollars, or both. Additionally, any

246 violation of subparagraph (C) or (D) of subdivision (2) of subsection (a)
247 of section 53a-223b constitutes criminal violation of a restraining order
248 which is punishable by a term of imprisonment of not more than ten
249 years, a fine of not more than ten thousand dollars, or both."

250 (2) Each applicant who receives an order of the court in accordance
251 with this section shall be given a notice that contains the following
252 language: "If a restraining order has been issued on your behalf or on
253 behalf of your child, you may elect to give testimony or appear in a court
254 proceeding remotely, pursuant to section 46b-15c, as amended by this
255 act, if you provide notice to the court in advance. Please notify the court
256 in writing if you choose to give testimony or appear remotely, and your
257 physical presence in the courthouse will not be required in order to
258 participate in the court proceeding."

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

265 (h) (1) The applicant shall cause notice of the hearing pursuant to
266 subsection (b) of this section and a copy of the application and the
267 applicant's [affidavit] statement of the specific facts that form the basis
268 for relief made under penalty of false statement pursuant to section 53a-
269 157b and of any ex parte order issued pursuant to subsection (b) of this
270 section to be served on the respondent not less than three days before
271 the hearing. A proper officer responsible for executing such service shall
272 accept all documents in an electronic format, if presented to such officer
273 in such format. The cost of such service shall be paid for by the Judicial
274 Branch.

275 (2) When (A) an application indicates that a respondent holds a
276 permit to carry a pistol or revolver, an eligibility certificate for a pistol
277 or revolver, a long gun eligibility certificate or an ammunition certificate

278 or possesses one or more firearms or ammunition, and (B) the court has
279 issued an ex parte order pursuant to this section, the proper officer
280 responsible for executing service shall, whenever possible, provide in-
281 hand service and, prior to serving such order, shall (i) provide notice to
282 the law enforcement agency for the town in which the respondent will
283 be served concerning when and where the service will take place, and
284 (ii) send, or cause to be sent by facsimile or other means, a copy of the
285 application, the applicant's [affidavit] statement of the specific facts that
286 form the basis for relief made under penalty of false statement pursuant
287 to section 53a-157b, the ex parte order and the notice of hearing to such
288 law enforcement agency, and (iii) request that a police officer from the
289 law enforcement agency for the town in which the respondent will be
290 served be present when service is executed by the proper officer. Upon
291 receiving a request from a proper officer under the provisions of this
292 subdivision, the law enforcement agency for the town in which the
293 respondent will be served may designate a police officer to be present
294 when service is executed by the proper officer.

295 (3) Upon the granting of an ex parte order, the clerk of the court shall
296 provide two copies of the order to the applicant. Upon the granting of
297 an order after notice and hearing, the clerk of the court shall provide
298 two copies of the order to the applicant and a copy to the respondent.
299 Every order of the court made in accordance with this section after
300 notice and hearing shall be accompanied by a notification that is
301 consistent with the full faith and credit provisions set forth in 18 USC
302 2265(a), as amended from time to time. Immediately after making
303 service on the respondent, the proper officer shall (A) send or cause to
304 be sent, by facsimile or other means, a copy of the application, or the
305 information contained in such application, stating the date and time the
306 respondent was served, to the law enforcement agency or agencies for
307 the town in which the applicant resides, the town in which the applicant
308 is employed and the town in which the respondent resides, and (B) as
309 soon as possible, but not later than two hours after the time that service
310 is executed, input into the Judicial Branch's Internet-based service
311 tracking system the date, time and method of service. If, prior to the date

312 of the scheduled hearing, service has not been executed, the proper
313 officer shall input into such service tracking system that service was
314 unsuccessful. The clerk of the court shall send, by facsimile or other
315 means, a copy of any ex parte order and of any order after notice and
316 hearing, or the information contained in any such order, to the law
317 enforcement agency or agencies for the town in which the applicant
318 resides, the town in which the applicant is employed and the town in
319 which the respondent resides, within forty-eight hours of the issuance
320 of such order. If the victim, or victim's minor child protected by such
321 order, is enrolled in a public or private elementary or secondary school,
322 including a technical education and career school, or an institution of
323 higher education, as defined in section 10a-55, the clerk of the court
324 shall, upon the request of the victim, send, by facsimile or other means,
325 a copy of such ex parte order or of any order after notice and hearing, or
326 the information contained in any such order, to such school or
327 institution of higher education, the president of any institution of higher
328 education at which the victim, or victim's minor child protected by such
329 order, is enrolled and the special police force established pursuant to
330 section 10a-156b, if any, at the institution of higher education at which
331 the victim, or victim's minor child protected by such order, is enrolled,
332 if the victim provides the clerk with the name and address of such school
333 or institution of higher education.

334 (i) A caretaker who is providing shelter in his or her residence to a
335 person sixty years or older shall not be enjoined from the full use and
336 enjoyment of his or her home and property. The Superior Court may
337 make any other appropriate order under the provisions of this section.

338 (j) When a motion for contempt is filed for violation of a restraining
339 order, there shall be an expedited hearing. Such hearing shall be held
340 within five court days of service of the motion on the respondent,
341 provided service on the respondent is made not less than twenty-four
342 hours before the hearing. If the court finds the respondent in contempt
343 for violation of an order, the court may impose such sanctions as the
344 court deems appropriate.

345 (k) An action under this section shall not preclude the applicant from
346 seeking any other civil or criminal relief.

347 (l) For purposes of this section, "police officer" means a state police
348 officer or a sworn member of a municipal police department and "law
349 enforcement agency" means the Division of State Police within the
350 Department of Emergency Services and Public Protection or any
351 municipal police department.

352 Sec. 3. Section 46b-15c of the general statutes is repealed and the
353 following is substituted in lieu thereof (*Effective October 1, 2021*):

354 (a) In any court proceeding in a family relations matter, as defined in
355 section 46b-1, the court [may, within available resources] shall, upon
356 [motion] request of a party or the attorney for any party, order that the
357 testimony of a party or a child who is a subject of the proceeding be
358 taken outside the physical presence of any other party if a protective
359 order, restraining order or standing criminal protective order has been
360 issued on behalf of the party or child, and the other party is subject to
361 the protective order, restraining order or standing criminal protective
362 order. Such order may provide for the use of alternative means to obtain
363 the testimony of any party or child, including, but not limited to, the use
364 of a secure video connection for the purpose of conducting hearings by
365 videoconference. Such testimony may be taken in a room other than the
366 courtroom or at another location outside the courthouse or outside the
367 state. The court shall provide for the administration of an oath to such
368 party or child prior to the taking of such testimony in accordance with
369 the rules of the Superior Court.

370 (b) Nothing in this section shall be construed to limit any party's right
371 to cross-examine a witness whose testimony is taken in a room other
372 than the courtroom pursuant to an order under this section.

373 (c) An order under this section may remain in effect during the
374 pendency of the proceedings in the family relations matter.

375 (d) A notice describing the provisions of subsection (a) of this section

376 shall be (1) posted on the Internet web site of the Judicial Branch, (2)
377 included in any written or electronic form that describes the automatic
378 orders in cases involving a dissolution of marriage or legal separation
379 under section 46b-40, and (3) included in any written or electronic form
380 provided to a person who applies for and receives a protective order
381 under section 46b-38c, as amended by this act, or a restraining order,
382 under section 46b-15, as amended by this act.

383 Sec. 4. Subdivision (3) of section 46b-38a of the general statutes is
384 repealed and the following is substituted in lieu thereof (*Effective October*
385 *1, 2021*):

386 (3) "Family violence crime" means a crime as defined in section 53a-
387 24, other than a delinquent act, as defined in section 46b-120, which, in
388 addition to its other elements, contains as an element thereof an act of
389 family violence to a family or household member. "Family violence
390 crime" includes any violation of section 53a-222, 53a-222a, 53a-223, 53a-
391 223a or 53a-223b when the condition of release or court order is issued
392 for an act of family violence or a family violence crime. "Family violence
393 crime" does not include acts by parents or guardians disciplining minor
394 children unless such acts constitute abuse.

395 Sec. 5. Subdivision (5) of subsection (g) of section 46b-38b of the
396 general statutes is repealed and the following is substituted in lieu
397 thereof (*Effective July 1, 2021*):

398 (5) (A) On and after July 1, [2010] 2021, each law enforcement agency
399 shall designate at least one officer with supervisory duties to
400 expeditiously process, upon request of a victim of family violence or
401 other crime who is applying for U Nonimmigrant Status [(A)] (i) a
402 certification of helpfulness on Form I-918, Supplement B, or any
403 subsequent corresponding form designated by the United States
404 Department of Homeland Security, confirming that the victim of family
405 violence or other crime has been helpful, is being helpful [,] or is likely
406 to be helpful in the investigation or prosecution of the criminal activity,
407 and [(B)] (ii) any subsequent certification required by the victim. As

408 used in this subparagraph, "expeditiously" means not later than sixty
409 days after the date of receipt of the request for certification of
410 helpfulness, or not later than fourteen days after the date of receipt of
411 such request if (I) the victim is in federal immigration removal
412 proceedings or detained, or (II) the victim's child, parents or siblings
413 would become ineligible for an immigration benefit by virtue of the
414 victim or the sibling of such victim attaining the age of eighteen years,
415 or the victim's child attaining the age of twenty-one years.

416 (B) By signing a certification of helpfulness, the officer or agency is
417 not making a determination of eligibility for U Nonimmigrant Status.
418 The officer or agency is solely providing information required by the
419 United States Department of Homeland Security on such form as is
420 required by said department and certifying that: (i) The requesting
421 individual or his or her family member is a victim of one of the
422 enumerated crimes eligible for U Nonimmigrant Status, (ii) the victim
423 possesses or possessed information regarding that crime, (iii) the victim
424 has been, is being or is likely to be helpful in an investigation of that
425 crime, and (iv) the victim has not failed or refused to provide reasonably
426 requested information or assistance. A current or ongoing investigation,
427 filing of criminal charges, prosecution or conviction is not required for
428 a victim to request and obtain certification under this subdivision.

429 Sec. 6. Subsection (e) of section 46b-38c of the general statutes is
430 repealed and the following is substituted in lieu thereof (*Effective October*
431 *1, 2021*):

432 (e) (1) A protective order issued under this section may include
433 provisions necessary to protect the victim from threats, harassment,
434 injury or intimidation by the defendant, including, but not limited to, an
435 order enjoining the defendant from [(1)] (A) imposing any restraint
436 upon the person or liberty of the victim, [(2)] (B) threatening, harassing,
437 assaulting, molesting or sexually assaulting the victim, or [(3)] (C)
438 entering the family dwelling or the dwelling of the victim. A protective
439 order issued under this section may include provisions necessary to
440 protect any animal owned or kept by the victim including, but not

441 limited to, an order enjoining the defendant from injuring or threatening
442 to injure such animal. Such order shall be made a condition of the bail
443 or release of the defendant and shall contain the following notification:
444 "In accordance with section 53a-223 of the Connecticut general statutes,
445 any violation of this order constitutes criminal violation of a protective
446 order which is punishable by a term of imprisonment of not more than
447 ten years, a fine of not more than ten thousand dollars, or both.
448 Additionally, in accordance with section 53a-107 of the Connecticut
449 general statutes, entering or remaining in a building or any other
450 premises in violation of this order constitutes criminal trespass in the
451 first degree which is punishable by a term of imprisonment of not more
452 than one year, a fine of not more than two thousand dollars, or both.
453 Violation of this order also violates a condition of your bail or release,
454 and may result in raising the amount of bail or revoking release." Every
455 order of the court made in accordance with this section after notice and
456 hearing shall be accompanied by a notification that is consistent with
457 the full faith and credit provisions set forth in 18 USC 2265(a), as
458 amended from time to time. The information contained in and
459 concerning the issuance of any protective order issued under this
460 section shall be entered in the registry of protective orders pursuant to
461 section 51-5c.

462 (2) Each person who requests and receives an order of the court in
463 accordance with this subsection shall be given a notice that contains the
464 following language: "If a protective order has been issued on your behalf
465 or on behalf of your child, you may elect to give testimony or appear in
466 a court proceeding remotely, pursuant to section 46b-15c, as amended
467 by this act, if you provide notice to the court in advance. Please notify
468 the court in writing if you choose to give testimony or appear remotely,
469 and your physical presence in the courthouse will not be required in
470 order to participate in the court proceeding."

471 Sec. 7. Subsection (f) of section 46b-54 of the general statutes is
472 repealed and the following is substituted in lieu thereof (*Effective October*
473 *1, 2021*):

474 (f) When recommending the entry of any order as provided in
475 subsections (a) and (b) of section 46b-56, as amended by this act, counsel
476 or a guardian ad litem for the minor child shall consider the best
477 interests of the child, and in doing so shall consider, but not be limited
478 to, one or more of the following factors: (1) The physical and emotional
479 safety of the child; (2) the [The] temperament and developmental needs
480 of the child; [(2)] (3) the capacity and the disposition of the parents to
481 understand and meet the needs of the child; [(3)] (4) any relevant and
482 material information obtained from the child, including the informed
483 preferences of the child; [(4)] (5) the wishes of the child's parents as to
484 custody; [(5)] (6) the past and current interaction and relationship of the
485 child with each parent, the child's siblings and any other person who
486 may significantly affect the best interests of the child; [(6)] (7) the
487 willingness and ability of each parent to facilitate and encourage such
488 continuing parent-child relationship between the child and the other
489 parent as is appropriate, including compliance with any court orders;
490 [(7)] (8) any manipulation by or coercive behavior of the parents in an
491 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
492 each parent to be actively involved in the life of the child; [(9)] (10) the
493 child's adjustment to his or her home, school and community
494 environments; [(10)] (11) the length of time that the child has lived in a
495 stable and satisfactory environment and the desirability of maintaining
496 continuity in such environment, provided counsel or a guardian ad
497 litem for the minor child may consider favorably a parent who
498 voluntarily leaves the child's family home pendente lite in order to
499 alleviate stress in the household; [(11)] (12) the stability of the child's
500 existing or proposed residences, or both; [(12)] (13) the mental and
501 physical health of all individuals involved, except that a disability of a
502 proposed custodial parent or other party, in and of itself, shall not be
503 determinative of custody unless the proposed custodial arrangement is
504 not in the best interests of the child; [(13)] (14) the child's cultural
505 background; [(14)] (15) the effect on the child of [the actions of an abuser,
506 if] any domestic violence, as described in section 46b-15, as amended by
507 this act, that has occurred between the parents or between a parent and
508 another individual or the child; [(15)] (16) whether the child or a sibling

509 of the child has been abused or neglected, as defined respectively in
510 section 46b-120; and [(16)] (17) whether a party satisfactorily completed
511 participation in a parenting education program established pursuant to
512 section 46b-69b. Counsel or a guardian ad litem for the minor child shall
513 not be required to assign any weight to any of the factors considered.

514 Sec. 8. Section 46b-56 of the general statutes is repealed and the
515 following is substituted in lieu thereof (*Effective October 1, 2021*):

516 (a) In any controversy before the Superior Court as to the custody or
517 care of minor children, and at any time after the return day of any
518 complaint under section 46b-45, the court may make or modify any
519 proper order regarding the custody, care, education, visitation and
520 support of the children if it has jurisdiction under the provisions of
521 chapter 815p. Subject to the provisions of section 46b-56a, the court may
522 assign parental responsibility for raising the child to the parents jointly,
523 or may award custody to either parent or to a third party, according to
524 its best judgment upon the facts of the case and subject to such
525 conditions and limitations as it deems equitable. The court may also
526 make any order granting the right of visitation of any child to a third
527 party to the action, including, but not limited to, grandparents.

528 (b) In making or modifying any order as provided in subsection (a)
529 of this section, the rights and responsibilities of both parents shall be
530 considered and the court shall enter orders accordingly that serve the
531 best interests of the child and provide the child with the active and
532 consistent involvement of both parents commensurate with their
533 abilities and interests. Such orders may include, but shall not be limited
534 to: (1) Approval of a parental responsibility plan agreed to by the
535 parents pursuant to section 46b-56a; (2) the award of joint parental
536 responsibility of a minor child to both parents, which shall include (A)
537 provisions for residential arrangements with each parent in accordance
538 with the needs of the child and the parents, and (B) provisions for
539 consultation between the parents and for the making of major decisions
540 regarding the child's health, education and religious upbringing; (3) the
541 award of sole custody to one parent with appropriate parenting time for

542 the noncustodial parent where sole custody is in the best interests of the
543 child; or (4) any other custody arrangements as the court may determine
544 to be in the best interests of the child.

545 (c) In making or modifying any order as provided in subsections (a)
546 and (b) of this section, the court shall consider the best interests of the
547 child, and in doing so, may consider, but shall not be limited to, one or
548 more of the following factors: (1) The physical and emotional safety of
549 the child; (2) [The] the temperament and developmental needs of the
550 child; [(2)] (3) the capacity and the disposition of the parents to
551 understand and meet the needs of the child; [(3)] (4) any relevant and
552 material information obtained from the child, including the informed
553 preferences of the child; [(4)] (5) the wishes of the child's parents as to
554 custody; [(5)] (6) the past and current interaction and relationship of the
555 child with each parent, the child's siblings and any other person who
556 may significantly affect the best interests of the child; [(6)] (7) the
557 willingness and ability of each parent to facilitate and encourage such
558 continuing parent-child relationship between the child and the other
559 parent as is appropriate, including compliance with any court orders;
560 [(7)] (8) any manipulation by or coercive behavior of the parents in an
561 effort to involve the child in the parents' dispute; [(8)] (9) the ability of
562 each parent to be actively involved in the life of the child; [(9)] (10) the
563 child's adjustment to his or her home, school and community
564 environments; [(10)] (11) the length of time that the child has lived in a
565 stable and satisfactory environment and the desirability of maintaining
566 continuity in such environment, provided the court may consider
567 favorably a parent who voluntarily leaves the child's family home
568 pendente lite in order to alleviate stress in the household; [(11)] (12) the
569 stability of the child's existing or proposed residences, or both; [(12)] (13) the
570 mental and physical health of all individuals involved, except that a
571 disability of a proposed custodial parent or other party, in and of itself,
572 shall not be determinative of custody unless the proposed custodial
573 arrangement is not in the best interests of the child; [(13)] (14) the child's
574 cultural background; [(14)] (15) the effect on the child of [the actions of
575 an abuser, if] any domestic violence, as described in section 46b-15, as

576 amended by this act, that has occurred between the parents or between
577 a parent and another individual or the child; ~~[(15)]~~ (16) whether the child
578 or a sibling of the child has been abused or neglected, as defined
579 respectively in section 46b-120; and ~~[(16)]~~ (17) whether the party
580 satisfactorily completed participation in a parenting education program
581 established pursuant to section 46b-69b. The court is not required to
582 assign any weight to any of the factors that it considers, but shall
583 articulate the basis for its decision.

584 (d) Upon the issuance of any order assigning custody of the child to
585 the Commissioner of Children and Families, or not later than sixty days
586 after the issuance of such order, the court shall make a determination
587 whether the Department of Children and Families made reasonable
588 efforts to keep the child with his or her parents prior to the issuance of
589 such order and, if such efforts were not made, whether such reasonable
590 efforts were not possible, taking into consideration the best interests of
591 the child, including the child's health and safety.

592 (e) In determining whether a child is in need of support and, if in
593 need, the respective abilities of the parents to provide support, the court
594 shall take into consideration all the factors enumerated in section 46b-
595 84.

596 (f) When the court is not sitting, any judge of the court may make any
597 order in the cause which the court might make under this section,
598 including orders of injunction, prior to any action in the cause by the
599 court.

600 (g) A parent not granted custody of a minor child shall not be denied
601 the right of access to the academic, medical, hospital or other health
602 records of such minor child, unless otherwise ordered by the court for
603 good cause shown.

604 (h) Notwithstanding the provisions of subsections (b) and (c) of this
605 section, when a motion for modification of custody or visitation is
606 pending before the court or has been decided by the court and the

607 investigation ordered by the court pursuant to section 46b-6
608 recommends psychiatric or psychological therapy for a child, and such
609 therapy would, in the court's opinion, be in the best interests of the child
610 and aid the child's response to a modification, the court may order such
611 therapy and reserve judgment on the motion for modification.

612 (i) As part of a decision concerning custody or visitation, the court
613 may order either parent or both of the parents and any child of such
614 parents to participate in counseling and drug or alcohol screening,
615 provided such participation is in the best interests of the child.

616 Sec. 9. (NEW) (*Effective October 1, 2021*) In any family relations matter
617 described in section 46b-1 of the general statutes, as amended by this
618 act, if the court finds that a pattern of frivolous and intentionally
619 fabricated pleadings or motions are filed by one party, the court shall
620 sanction such party in an appropriate manner so as to allow such matter
621 to proceed without undue delay or obstruction by the party filing such
622 pleadings or motions.

623 Sec. 10. Section 51-27h of the general statutes is repealed and the
624 following is substituted in lieu thereof (*Effective July 1, 2021*):

625 The Chief Court Administrator shall provide in each court where
626 family matters or family violence matters are heard or where a domestic
627 violence docket, as defined in section 51-181e, is located a secure room
628 for victims of family violence crimes and advocates for victims of family
629 violence crimes which is separate from any public or private area of the
630 court intended to accommodate the respondent or defendant or the
631 respondent's or defendant's family, friends, attorneys or witnesses and
632 separate from the office of the state's attorney, provided such a room is
633 available and the use of such room is practical. Any courthouse
634 constructed on or after July 1, 2021, shall include such a room.

635 Sec. 11. Section 51-27i of the general statutes is repealed and the
636 following is substituted in lieu thereof (*Effective October 1, 2021*):

637 (a) As used in this section:

638 (1) "Domestic violence agency" means any office, shelter, host home
639 or agency offering assistance to victims of domestic violence through
640 crisis intervention, emergency shelter referral and medical and legal
641 advocacy, and which meets the Department of Social Services' criteria
642 of service provision for such agencies.

643 (2) "Family violence victim advocate" means a person (A) who is
644 employed by and under the control of a direct service supervisor of a
645 domestic violence agency, (B) who has undergone a minimum of twenty
646 hours of training which shall include, but not be limited to, the
647 dynamics of domestic violence, crisis intervention, communication
648 skills, working with diverse populations, an overview of the state
649 criminal justice and civil family court systems and information about
650 state and community resources for victims of domestic violence, (C)
651 who is certified as a counselor by the domestic violence agency that
652 provided such training, and (D) whose primary purpose is the
653 rendering of advice, counsel and assistance to, and the advocacy of the
654 cause of, victims of domestic violence.

655 (b) The Chief Court Administrator shall permit one or more family
656 violence victim advocates to provide services to victims of domestic
657 violence in (1) the Family Division of the Superior Court in [one or more
658 judicial districts] each judicial district, and (2) each geographical area
659 court in the state.

660 (c) Notwithstanding any provision of the general statutes, upon
661 request, a family violence victim advocate providing services in the
662 Family Division of the Superior Court or a geographical area court shall
663 be provided with a copy of any police report in the possession of the
664 state's attorney, the Division of State Police within the Department of
665 Emergency Services and Public Protection, any municipal police
666 department or any other law enforcement agency that the family
667 violence victim advocate requires to perform the responsibilities and
668 duties set forth in subsection (b) of this section.

669 Sec. 12. Section 17b-105a of the general statutes is repealed and the

670 following is substituted in lieu thereof (*Effective July 1, 2021*):

671 (a) The Commissioner of Social Services shall seek a waiver from
672 federal law to allow persons who live in an area in which (1) the
673 unemployment rate is greater than ten per cent, or (2) there is an
674 insufficient number of jobs to provide such persons with employment,
675 to be exempt from the three-month participation limit of the
676 supplemental nutrition assistance program implemented pursuant to
677 the Food and Nutrition Act of 2008.

678 (b) The Commissioner of Social Services shall implement vehicle
679 evaluation provisions in accordance with 7 CFR 273.8(f)(4).

680 (c) The Commissioner of Social Services, pursuant to 7 USC
681 2014(e)(6), shall implement the federal option to mandate the use of a
682 standard utility allowance, to be used in place of actual utility costs, for
683 purposes of calculating the excess shelter deduction of applicants for, or
684 recipients of, supplemental nutrition assistance program benefits.
685 Pursuant to 7 USC 2014(e)(6)(C)(iii)(III), the commissioner shall not
686 prorate a standard utility allowance based upon the fact that an assisted
687 household shares the utility with an individual who is not a member of
688 the assisted household.

689 (d) The Commissioner of Social Services, to the extent permissible
690 under federal law, shall (1) expedite supplemental nutrition assistance
691 program eligibility determinations for a victim of domestic violence, as
692 defined in section 17b-112a, and (2) provide an eligible victim
693 temporary supplemental nutrition assistance program benefits for not
694 less than ninety days before redetermining eligibility for benefits. In
695 conducting an expedited initial eligibility determination, the
696 commissioner shall subtract from such victim's household income the
697 income of any spouse, domestic partner or other household member
698 credibly accused by such victim of domestic violence. For purposes of
699 this subsection, allegations of domestic violence may be substantiated
700 by the commissioner pursuant to the provisions of subsection (b) of
701 section 17b-112a.

702 Sec. 13. Subsections (b) and (c) of section 17b-749 of the general
703 statutes are repealed and the following is substituted in lieu thereof
704 (*Effective July 1, 2021*):

705 (b) The commissioner shall establish income standards for applicants
706 and recipients at a level to include a family with gross income up to fifty
707 per cent of the state-wide median income, except the commissioner: (1)
708 [may] May increase the income level up to the maximum level allowed
709 under federal law, (2) upon the request of the Commissioner of Children
710 and Families, may waive the income standards for adoptive families so
711 that children adopted [on or after October 1, 1999,] from the Department
712 of Children and Families are eligible for the child care subsidy program,
713 [and (3) on and after March 1, 2003,] (3) shall waive the income
714 standards for not less than ninety days from the date of application for
715 a victim of domestic violence, as defined in section 17b-112a, at which
716 time the commissioner shall redetermine eligibility based upon the
717 income standards, and (4) shall reduce the income eligibility level to up
718 to fifty-five per cent of the state-wide median income for applicants and
719 recipients who qualify based on their loss of eligibility for temporary
720 family assistance. For purposes of this subsection, allegations of
721 domestic violence may be substantiated by the commissioner pursuant
722 to the provisions of subsection (b) of section 17b-112a. The
723 commissioner may adopt regulations in accordance with chapter 54 to
724 establish income criteria and durational requirements for such waiver
725 of income standards.

726 (c) The commissioner, in consultation with the Commissioner of
727 Social Services, shall establish eligibility and program standards
728 including, but not limited to: (1) A priority intake and eligibility system
729 with preference given to serving (A) victims of domestic violence, as
730 defined in section 17b-112a, (B) recipients of temporary family
731 assistance who are employed or engaged in employment activities
732 under the Department of Social Services' "Jobs First" program, [(B)] (C)
733 working families whose temporary family assistance was discontinued
734 not more than five years prior to the date of application for the child care

735 subsidy program, [(C)] (D) teen parents, [(D)] (E) low-income working
736 families, [(E)] (F) adoptive families of children who were adopted from
737 the Department of Children and Families and who are granted a waiver
738 of income standards under subdivision (2) of subsection (b) of this
739 section, and [(F)] (G) working families who are at risk of welfare
740 dependency; (2) health and safety standards for child care providers not
741 required to be licensed; (3) a reimbursement system for child care
742 services which account for differences in the age of the child, number of
743 children in the family, the geographic region and type of care provided
744 by licensed and unlicensed caregivers, the cost and type of services
745 provided by licensed and unlicensed caregivers, successful completion
746 of fifteen hours of annual in-service training or credentialing of child
747 care directors and administrators, and program accreditation; (4)
748 supplemental payment for special needs of the child and extended
749 nontraditional hours; (5) an annual rate review process for providers
750 which assures that reimbursement rates are maintained at levels which
751 permit equal access to a variety of child care settings; (6) a sliding
752 reimbursement scale for participating families; (7) an administrative
753 appeals process; (8) an administrative hearing process to adjudicate
754 cases of alleged fraud and abuse and to impose sanctions and recover
755 overpayments; (9) an extended period of program and payment
756 eligibility when a parent who is receiving a child care subsidy
757 experiences a temporary interruption in employment or other approved
758 activity; and (10) a waiting list for the child care subsidy program that
759 (A) allows the commissioner to exercise discretion in prioritizing within
760 and between existing priority groups, including, but not limited to,
761 children described in 45 CFR 98.46, as amended from time to time, and
762 households with an infant or toddler, and (B) reflects the priority and
763 eligibility system set forth in subdivision (1) of this subsection [, which
764 is reviewed periodically,] with the inclusion of this information in the
765 annual report required to be issued [annually] by the office to the
766 Governor and the General Assembly in accordance with section 17b-733.
767 Such action will include, but not be limited to, family income, age of
768 child, region of state and length of time on such waiting list.

769 Sec. 14. Subsection (c) of section 17b-191 of the general statutes is
770 repealed and the following is substituted in lieu thereof (*Effective July 1,*
771 *2021*):

772 (c) To be eligible for cash assistance under the program, a person shall
773 (1) be (A) eighteen years of age or older; (B) a minor found by a court to
774 be emancipated pursuant to section 46b-150; or (C) under eighteen years
775 of age and the commissioner determines good cause for such person's
776 eligibility, and (2) not have assets exceeding two hundred fifty dollars
777 or, if such person is married, such person and his or her spouse shall not
778 have assets exceeding five hundred dollars. In determining eligibility,
779 the commissioner shall not consider as income (A) Aid and Attendance
780 pension benefits granted to a veteran, as defined in section 27-103, or the
781 surviving spouse of such veteran, or (B) for a period not less than ninety
782 days from the date of application, the income of a spouse, domestic
783 partner or other household member credibly accused of domestic
784 violence by a victim of domestic violence, as defined in section 17b-112a.
785 The commissioner shall redetermine the eligibility of a victim of
786 domestic violence after ninety days. For purposes of this subsection,
787 allegations of domestic violence may be substantiated by the
788 commissioner pursuant to the provisions of subsection (b) of section
789 17b-112a. No person who is a substance abuser and refuses or fails to
790 enter available, appropriate treatment shall be eligible for cash
791 assistance under the program until such person enters treatment. No
792 person whose benefits from the temporary family assistance program
793 have terminated as a result of time-limited benefits or for failure to
794 comply with a program requirement shall be eligible for cash assistance
795 under the program.

796 Sec. 15. Section 38a-816 of the general statutes is repealed and the
797 following is substituted in lieu thereof (*Effective October 1, 2021*):

798 The following are defined as unfair methods of competition and
799 unfair and deceptive acts or practices in the business of insurance:

800 (1) Misrepresentations and false advertising of insurance policies.

801 Making, issuing or circulating, or causing to be made, issued or
802 circulated, any estimate, illustration, circular or statement, sales
803 presentation, omission or comparison which: (A) Misrepresents the
804 benefits, advantages, conditions or terms of any insurance policy; (B)
805 misrepresents the dividends or share of the surplus to be received, on
806 any insurance policy; (C) makes any false or misleading statements as
807 to the dividends or share of surplus previously paid on any insurance
808 policy; (D) is misleading or is a misrepresentation as to the financial
809 condition of any person, or as to the legal reserve system upon which
810 any life insurer operates; (E) uses any name or title of any insurance
811 policy or class of insurance policies misrepresenting the true nature
812 thereof; (F) is a misrepresentation, including, but not limited to, an
813 intentional misquote of a premium rate, for the purpose of inducing or
814 tending to induce to the purchase, lapse, forfeiture, exchange,
815 conversion or surrender of any insurance policy; (G) is a
816 misrepresentation for the purpose of effecting a pledge or assignment of
817 or effecting a loan against any insurance policy; or (H) misrepresents
818 any insurance policy as being shares of stock.

819 (2) False information and advertising generally. Making, publishing,
820 disseminating, circulating or placing before the public, or causing,
821 directly or indirectly, to be made, published, disseminated, circulated or
822 placed before the public, in a newspaper, magazine or other publication,
823 or in the form of a notice, circular, pamphlet, letter or poster, or over any
824 radio or television station, or in any other way, an advertisement,
825 announcement or statement containing any assertion, representation or
826 statement with respect to the business of insurance or with respect to
827 any person in the conduct of his insurance business, which is untrue,
828 deceptive or misleading.

829 (3) Defamation. Making, publishing, disseminating or circulating,
830 directly or indirectly, or aiding, abetting or encouraging the making,
831 publishing, disseminating or circulating of, any oral or written
832 statement or any pamphlet, circular, article or literature which is false
833 or maliciously critical of or derogatory to the financial condition of an

834 insurer, and which is calculated to injure any person engaged in the
835 business of insurance.

836 (4) Boycott, coercion and intimidation. Entering into any agreement
837 to commit, or by any concerted action committing, any act of boycott,
838 coercion or intimidation resulting in or tending to result in unreasonable
839 restraint of, or monopoly in, the business of insurance.

840 (5) False financial statements. Filing with any supervisory or other
841 public official, or making, publishing, disseminating, circulating or
842 delivering to any person, or placing before the public, or causing,
843 directly or indirectly, to be made, published, disseminated, circulated or
844 delivered to any person, or placed before the public, any false statement
845 of financial condition of an insurer with intent to deceive; or making any
846 false entry in any book, report or statement of any insurer with intent to
847 deceive any agent or examiner lawfully appointed to examine into its
848 condition or into any of its affairs, or any public official to whom such
849 insurer is required by law to report, or who has authority by law to
850 examine into its condition or into any of its affairs, or, with like intent,
851 wilfully omitting to make a true entry of any material fact pertaining to
852 the business of such insurer in any book, report or statement of such
853 insurer.

854 (6) Unfair claim settlement practices. Committing or performing with
855 such frequency as to indicate a general business practice any of the
856 following: (A) Misrepresenting pertinent facts or insurance policy
857 provisions relating to coverages at issue; (B) failing to acknowledge and
858 act with reasonable promptness upon communications with respect to
859 claims arising under insurance policies; (C) failing to adopt and
860 implement reasonable standards for the prompt investigation of claims
861 arising under insurance policies; (D) refusing to pay claims without
862 conducting a reasonable investigation based upon all available
863 information; (E) failing to affirm or deny coverage of claims within a
864 reasonable time after proof of loss statements have been completed; (F)
865 not attempting in good faith to effectuate prompt, fair and equitable
866 settlements of claims in which liability has become reasonably clear; (G)

867 compelling insureds to institute litigation to recover amounts due under
868 an insurance policy by offering substantially less than the amounts
869 ultimately recovered in actions brought by such insureds; (H)
870 attempting to settle a claim for less than the amount to which a
871 reasonable man would have believed he was entitled by reference to
872 written or printed advertising material accompanying or made part of
873 an application; (I) attempting to settle claims on the basis of an
874 application which was altered without notice to, or knowledge or
875 consent of the insured; (J) making claims payments to insureds or
876 beneficiaries not accompanied by statements setting forth the coverage
877 under which the payments are being made; (K) making known to
878 insureds or claimants a policy of appealing from arbitration awards in
879 favor of insureds or claimants for the purpose of compelling them to
880 accept settlements or compromises less than the amount awarded in
881 arbitration; (L) delaying the investigation or payment of claims by
882 requiring an insured, claimant, or the physician of either to submit a
883 preliminary claim report and then requiring the subsequent submission
884 of formal proof of loss forms, both of which submissions contain
885 substantially the same information; (M) failing to promptly settle claims,
886 where liability has become reasonably clear, under one portion of the
887 insurance policy coverage in order to influence settlements under other
888 portions of the insurance policy coverage; (N) failing to promptly
889 provide a reasonable explanation of the basis in the insurance policy in
890 relation to the facts or applicable law for denial of a claim or for the offer
891 of a compromise settlement; (O) using as a basis for cash settlement with
892 a first party automobile insurance claimant an amount which is less than
893 the amount which the insurer would pay if repairs were made unless
894 such amount is agreed to by the insured or provided for by the
895 insurance policy.

896 (7) Failure to maintain complaint handling procedures. Failure of any
897 person to maintain complete record of all the complaints which it has
898 received since the date of its last examination. This record shall indicate
899 the total number of complaints, their classification by line of insurance,
900 the nature of each complaint, the disposition of these complaints, and

901 the time it took to process each complaint. For purposes of this
902 [subsection] subdivision "complaint" means any written
903 communication primarily expressing a grievance.

904 (8) Misrepresentation in insurance applications. Making false or
905 fraudulent statements or representations on or relative to an application
906 for an insurance policy for the purpose of obtaining a fee, commission,
907 money or other benefit from any insurer, producer or individual.

908 (9) Any violation of any one of sections 38a-358, 38a-446, 38a-447, as
909 amended by this act, 38a-488, 38a-825, 38a-826, 38a-828 and 38a-829.
910 None of the following practices shall be considered discrimination
911 within the meaning of section 38a-446 or 38a-488 or a rebate within the
912 meaning of section 38a-825: (A) Paying bonuses to policyholders or
913 otherwise abating their premiums in whole or in part out of surplus
914 accumulated from nonparticipating insurance, provided any such
915 bonuses or abatement of premiums shall be fair and equitable to
916 policyholders and for the best interests of the company and its
917 policyholders; (B) in the case of policies issued on the industrial debit
918 plan, making allowance to policyholders who have continuously for a
919 specified period made premium payments directly to an office of the
920 insurer in an amount which fairly represents the saving in collection
921 expense; (C) readjustment of the rate of premium for a group insurance
922 policy based on loss or expense experience, or both, at the end of the
923 first or any subsequent policy year, which may be made retroactive for
924 such policy year.

925 (10) Notwithstanding any provision of any policy of insurance,
926 certificate or service contract, whenever such insurance policy or
927 certificate or service contract provides for reimbursement for any
928 services which may be legally performed by any practitioner of the
929 healing arts licensed to practice in this state, reimbursement under such
930 insurance policy, certificate or service contract shall not be denied
931 because of race, color or creed nor shall any insurer make or permit any
932 unfair discrimination against particular individuals or persons so
933 licensed.

934 (11) Favored agent or insurer: Coercion of debtors. (A) No person
935 may (i) require, as a condition precedent to the lending of money or
936 extension of credit, or any renewal thereof, that the person to whom
937 such money or credit is extended or whose obligation the creditor is to
938 acquire or finance, negotiate any policy or contract of insurance through
939 a particular insurer or group of insurers or producer or group of
940 producers; (ii) unreasonably disapprove the insurance policy provided
941 by a borrower for the protection of the property securing the credit or
942 lien; (iii) require directly or indirectly that any borrower, mortgagor,
943 purchaser, insurer or producer pay a separate charge, in connection
944 with the handling of any insurance policy required as security for a loan
945 on real estate or pay a separate charge to substitute the insurance policy
946 of one insurer for that of another; or (iv) use or disclose information
947 resulting from a requirement that a borrower, mortgagor or purchaser
948 furnish insurance of any kind on real property being conveyed or used
949 as collateral security to a loan, when such information is to the
950 advantage of the mortgagee, vendor or lender, or is to the detriment of
951 the borrower, mortgagor, purchaser, insurer or the producer complying
952 with such a requirement.

953 (B) (i) Subparagraph (A)(iii) of this subdivision shall not include the
954 interest which may be charged on premium loans or premium
955 advancements in accordance with the security instrument. (ii) For
956 purposes of subparagraph (A)(ii) of this subdivision, such disapproval
957 shall be deemed unreasonable if it is not based solely on reasonable
958 standards uniformly applied, relating to the extent of coverage required
959 and the financial soundness and the services of an insurer. Such
960 standards shall not discriminate against any particular type of insurer,
961 nor shall such standards call for the disapproval of an insurance policy
962 because such policy contains coverage in addition to that required. (iii)
963 The commissioner may investigate the affairs of any person to whom
964 this subdivision applies to determine whether such person has violated
965 this subdivision. If a violation of this subdivision is found, the person in
966 violation shall be subject to the same procedures and penalties as are
967 applicable to other provisions of section 38a-815, subsections (b) and (e)

968 of section 38a-817 and this section. (iv) For purposes of this section,
969 "person" includes any individual, corporation, limited liability
970 company, association, partnership or other legal entity.

971 (12) Refusing to insure, refusing to continue to insure or limiting the
972 amount, extent or kind of coverage available to an individual or
973 charging an individual a different rate for the same coverage because of
974 physical disability, mental or nervous condition as set forth in section
975 38a-488a or intellectual disability, except where the refusal, limitation or
976 rate differential is based on sound actuarial principles or is related to
977 actual or reasonably anticipated experience.

978 (13) Refusing to insure, refusing to continue to insure or limiting the
979 amount, extent or kind of coverage available to an individual or
980 charging an individual a different rate for the same coverage solely
981 because of blindness or partial blindness. For purposes of this
982 subdivision, "refusal to insure" includes the denial by an insurer of
983 disability insurance coverage on the grounds that the policy defines
984 "disability" as being presumed in the event that the insured is blind or
985 partially blind, except that an insurer may exclude from coverage any
986 disability, consisting solely of blindness or partial blindness, when such
987 condition existed at the time the policy was issued. Any individual who
988 is blind or partially blind shall be subject to the same standards of sound
989 actuarial principles or actual or reasonably anticipated experience as are
990 sighted persons with respect to all other conditions, including the
991 underlying cause of the blindness or partial blindness.

992 (14) Refusing to insure, refusing to continue to insure or limiting the
993 amount, extent or kind of coverage available to an individual or
994 charging an individual a different rate for the same coverage because of
995 exposure to diethylstilbestrol through the female parent.

996 (15) (A) Failure by an insurer, or any other entity responsible for
997 providing payment to a health care provider pursuant to an insurance
998 policy, to pay accident and health claims, including, but not limited to,
999 claims for payment or reimbursement to health care providers, within

1000 the time periods set forth in subparagraph (B) of this subdivision, unless
1001 the Insurance Commissioner determines that a legitimate dispute exists
1002 as to coverage, liability or damages or that the claimant has fraudulently
1003 caused or contributed to the loss. Any insurer, or any other entity
1004 responsible for providing payment to a health care provider pursuant
1005 to an insurance policy, who fails to pay such a claim or request within
1006 the time periods set forth in subparagraph (B) of this subdivision shall
1007 pay the claimant or health care provider the amount of such claim plus
1008 interest at the rate of fifteen per cent per annum, in addition to any other
1009 penalties which may be imposed pursuant to sections 38a-11, 38a-25,
1010 38a-41 to 38a-53, inclusive, 38a-57 to 38a-60, inclusive, 38a-62 to 38a-64,
1011 inclusive, 38a-76, 38a-83, 38a-84, 38a-117 to 38a-124, inclusive, 38a-129
1012 to 38a-140, inclusive, 38a-146 to 38a-155, inclusive, 38a-283, 38a-288 to
1013 38a-290, inclusive, 38a-319, 38a-320, 38a-459, 38a-464, 38a-815 to 38a-819,
1014 inclusive, 38a-824 to 38a-826, inclusive, and 38a-828 to 38a-830,
1015 inclusive. Whenever the interest due a claimant or health care provider
1016 pursuant to this section is less than one dollar, the insurer shall deposit
1017 such amount in a separate interest-bearing account in which all such
1018 amounts shall be deposited. At the end of each calendar year each such
1019 insurer shall donate such amount to The University of Connecticut
1020 Health Center.

1021 (B) Each insurer or other entity responsible for providing payment to
1022 a health care provider pursuant to an insurance policy subject to this
1023 section, shall pay claims not later than:

1024 (i) For claims filed in paper format, sixty days after receipt by the
1025 insurer of the claimant's proof of loss form or the health care provider's
1026 request for payment filed in accordance with the insurer's practices or
1027 procedures, except that when there is a deficiency in the information
1028 needed for processing a claim, as determined in accordance with section
1029 38a-477, the insurer shall (I) send written notice to the claimant or health
1030 care provider, as the case may be, of all alleged deficiencies in
1031 information needed for processing a claim not later than thirty days
1032 after the insurer receives a claim for payment or reimbursement under

1033 the contract, and (II) pay claims for payment or reimbursement under
1034 the contract not later than thirty days after the insurer receives the
1035 information requested; and

1036 (ii) For claims filed in electronic format, twenty days after receipt by
1037 the insurer of the claimant's proof of loss form or the health care
1038 provider's request for payment filed in accordance with the insurer's
1039 practices or procedures, except that when there is a deficiency in the
1040 information needed for processing a claim, as determined in accordance
1041 with section 38a-477, the insurer shall (I) notify the claimant or health
1042 care provider, as the case may be, of all alleged deficiencies in
1043 information needed for processing a claim not later than ten days after
1044 the insurer receives a claim for payment or reimbursement under the
1045 contract, and (II) pay claims for payment or reimbursement under the
1046 contract not later than ten days after the insurer receives the information
1047 requested.

1048 (C) As used in this subdivision, "health care provider" means a person
1049 licensed to provide health care services under chapter 368d, chapter
1050 368v, chapters 370 to 373, inclusive, 375 to 383c, inclusive, 384a to 384c,
1051 inclusive, or chapter 400j.

1052 (16) Failure to pay, as part of any claim for a damaged motor vehicle
1053 under any automobile insurance policy where the vehicle has been
1054 declared to be a constructive total loss, an amount equal to the sum of
1055 (A) the settlement amount on such vehicle plus, whenever the insurer
1056 takes title to such vehicle, (B) an amount determined by multiplying
1057 such settlement amount by a percentage equivalent to the current sales
1058 tax rate established in section 12-408. For purposes of this subdivision,
1059 "constructive total loss" means the cost to repair or salvage damaged
1060 property, or the cost to both repair and salvage such property, equals or
1061 exceeds the total value of the property at the time of the loss.

1062 (17) Any violation of section 42-260, by an extended warranty
1063 provider subject to the provisions of said section, including, but not
1064 limited to: (A) Failure to include all statements required in subsections

1065 (c) and (f) of section 42-260 in an issued extended warranty; (B) offering
1066 an extended warranty without being (i) insured under an adequate
1067 extended warranty reimbursement insurance policy or (ii) able to
1068 demonstrate that reserves for claims contained in the provider's
1069 financial statements are not in excess of one-half the provider's audited
1070 net worth; (C) failure to submit a copy of an issued extended warranty
1071 form or a copy of such provider's extended warranty reimbursement
1072 policy form to the Insurance Commissioner.

1073 (18) With respect to an insurance company, hospital service
1074 corporation, health care center or fraternal benefit society providing
1075 individual or group health insurance coverage of the types specified in
1076 subdivisions (1), (2), (4), (5), (6), (10), (11) and (12) of section 38a-469,
1077 refusing to insure, refusing to continue to insure or limiting the amount,
1078 extent or kind of coverage available to an individual or charging an
1079 individual a different rate for the same coverage because such
1080 individual has been a victim of [family] domestic violence, as defined in
1081 section 17b-112a.

1082 (19) With respect to a property and casualty insurer delivering,
1083 issuing for delivery, renewing, amending, continuing or endorsing a
1084 property or casualty insurance policy, making any distinction or
1085 discrimination against an individual in delivering, issuing for delivery,
1086 renewing, amending, continuing, endorsing, offering, withholding,
1087 cancelling or setting premiums for such policy, or in the terms of such
1088 policy, because the individual has been a victim of domestic violence, as
1089 defined in section 17b-112a.

1090 [(19)] (20) With respect to an insurance company, hospital service
1091 corporation, health care center or fraternal benefit society providing
1092 individual or group health insurance coverage of the types specified in
1093 subdivisions (1), (2), (3), (4), (6), (9), (10), (11) and (12) of section 38a-469,
1094 refusing to insure, refusing to continue to insure or limiting the amount,
1095 extent or kind of coverage available to an individual or charging an
1096 individual a different rate for the same coverage because of genetic
1097 information. Genetic information indicating a predisposition to a

1098 disease or condition shall not be deemed a preexisting condition in the
1099 absence of a diagnosis of such disease or condition that is based on other
1100 medical information. An insurance company, hospital service
1101 corporation, health care center or fraternal benefit society providing
1102 individual health coverage of the types specified in subdivisions (1), (2),
1103 (3), (4), (6), (9), (10), (11) and (12) of section 38a-469, shall not be
1104 prohibited from refusing to insure or applying a preexisting condition
1105 limitation, to the extent permitted by law, to an individual who has been
1106 diagnosed with a disease or condition based on medical information
1107 other than genetic information and has exhibited symptoms of such
1108 disease or condition. For the purposes of this [subsection] subdivision,
1109 "genetic information" means the information about genes, gene
1110 products or inherited characteristics that may derive from an individual
1111 or family member.

1112 [(20)] (21) Any violation of sections 38a-465 to 38a-465q, inclusive, as
1113 amended by this act.

1114 [(21)] (22) With respect to a managed care organization, as defined in
1115 section 38a-478, failing to establish a confidentiality procedure for
1116 medical record information, as required by section 38a-999.

1117 [(22)] (23) Any violation of sections 38a-591d to 38a-591f, inclusive.

1118 [(23)] (24) Any violation of section 38a-472j.

1119 Sec. 16. Section 38a-447 of the general statutes is repealed and the
1120 following is substituted in lieu thereof (*Effective October 1, 2021*):

1121 No life insurance company doing business in this state may: (1) Make
1122 any distinction or discrimination between persons on the basis of race
1123 or status as a victim of domestic violence, as to the premiums or rates
1124 charged for policies upon the lives of such persons; (2) demand or
1125 require greater premiums from persons of one race than such as are at
1126 that time required by that company from persons of another race, or
1127 from persons who have been victims of domestic violence than such as
1128 are at that time required by that company from persons who have not

1129 been victims of domestic violence, of the same age, sex, general
1130 condition of health and hope of longevity; or (3) make or require any
1131 rebate, diminution or discount on the basis of race, or status as a victim
1132 of domestic violence, upon the sum to be paid on any policy in case of
1133 the death of any person insured, nor insert in the policy any condition,
1134 nor make any stipulation whereby such person insured shall bind
1135 [himself, his] such person, such person's heirs, executors, administrators
1136 or assigns to accept any sum less than the full value or amount of such
1137 policy, in case of a claim accruing thereon by reason of the death of such
1138 person insured, other than such as are imposed upon all persons in
1139 similar cases; and each such stipulation or condition so made or inserted
1140 shall be void. For the purposes of this section, "victim of domestic
1141 violence" has the same meaning as provided in section 17b-112a.

1142 Sec. 17. Section 38a-465 of the general statutes is repealed and the
1143 following is substituted in lieu thereof (*Effective October 1, 2021*):

1144 As used in sections 38a-465 to 38a-465q, inclusive, and subdivision
1145 [(20)] (21) of section 38a-816, as amended by this act:

1146 (1) "Advertisement" means any written, electronic or printed
1147 communication or any communication by means of recorded telephone
1148 messages or transmitted on radio, television, the Internet or similar
1149 communications media, including, but not limited to, film strips, motion
1150 pictures and videos, published, disseminated, circulated or placed
1151 before the public, directly or indirectly, for the purpose of creating an
1152 interest in or inducing a person to purchase or sell, assign, devise,
1153 bequest or transfer the death benefit or ownership of a life insurance
1154 policy or an interest in a life insurance policy pursuant to a life
1155 settlement contract.

1156 (2) "Broker" means a person who, on behalf of an owner and for a fee,
1157 commission or other valuable consideration, offers or attempts to
1158 negotiate life settlement contracts between an owner and one or more
1159 providers. "Broker" does not include an attorney, certified public
1160 accountant or financial planner accredited by a nationally recognized

1161 accreditation agency retained to represent the owner, whose
1162 compensation is not paid directly or indirectly by a provider or any
1163 other person except the owner.

1164 (3) "Business of life settlements" means an activity involved in, but
1165 not limited to, offering to enter into, soliciting, negotiating, procuring,
1166 effectuating, monitoring or tracking of life settlement contracts.

1167 (4) "Chronically ill" means: (A) Being unable to perform at least two
1168 activities of daily living, including, but not limited to, eating, toileting,
1169 transferring, bathing, dressing or continence; (B) requiring substantial
1170 supervision to protect from threats to health and safety due to severe
1171 cognitive impairment; or (C) having a level of disability similar to that
1172 described in subparagraph (A) of this subdivision as determined by the
1173 federal Secretary of Health and Human Services.

1174 (5) "Commissioner" means the Insurance Commissioner.

1175 (6) (A) "Financing entity" means an underwriter, placement agent,
1176 lender, purchaser of securities, purchaser of a policy or certificate from
1177 a provider, credit enhancer, or any entity that has a direct ownership in
1178 a policy or certificate that is the subject of a life settlement contract:

1179 (i) Whose principal activity related to the transaction is providing
1180 funds to effect the life settlement contract or purchase of one or more
1181 policies; and

1182 (ii) Who has an agreement in writing with one or more providers to
1183 finance the acquisition of life settlement contracts.

1184 (B) "Financing entity" does not include a nonaccredited investor or a
1185 purchaser.

1186 (7) "Financing transaction" means any transaction in which a
1187 provider obtains financing from a financing entity, including, but not
1188 limited to, any secured or unsecured financing, any securitization
1189 transaction or any securities offering which is registered or exempt from

1190 registration under federal or state securities law.

1191 (8) "Insured" means the person covered under the policy being
1192 considered for sale in a life settlement contract.

1193 (9) "Life expectancy" means the arithmetic mean of the number of
1194 months the insured under the life insurance policy to be settled can be
1195 expected to live as determined by a life expectancy company, life
1196 settlement company or investor considering medical records and
1197 experiential data.

1198 (10) "Life insurance producer" means any person licensed in this state
1199 as a resident or nonresident insurance producer who has received
1200 qualification or authority for life insurance coverage or a life line
1201 coverage pursuant to chapter 702.

1202 (11) (A) "Life settlement contract" means:

1203 (i) A written agreement entered into between a provider and an
1204 owner, establishing the terms under which compensation or anything
1205 of value will be paid, which compensation or thing of value is less than
1206 the expected death benefit of the insurance policy or certificate, in return
1207 for the owner's assignment, transfer, sale, devise or bequest of the death
1208 benefit or any portion of an insurance policy or certificate of insurance
1209 for compensation, provided the minimum value for a life settlement
1210 contract shall be greater than a cash surrender value or accelerated
1211 death benefit available at the time of an application for a life settlement
1212 contract;

1213 (ii) The transfer for compensation or value of ownership or beneficial
1214 interest in a trust, or other entity that owns such policy, if the trust or
1215 other entity was formed or availed of for the principal purpose of
1216 acquiring one or more life insurance contracts, which life insurance
1217 contract insures the life of a person residing in this state;

1218 (iii) A written agreement for a loan or other lending transaction,
1219 secured primarily by an individual or group life insurance policy; or

1220 (iv) A premium finance loan made for a policy on or before the date
1221 of issuance of the policy where (I) the loan proceeds are not used solely
1222 to pay premiums for the policy and any costs or expenses incurred by
1223 the lender or the borrower in connection with the financing, (II) the
1224 owner receives, on the date of the premium finance loan, a guarantee of
1225 the future life settlement value of the policy, or (III) the owner agrees on
1226 the date of the premium finance loan to sell the policy, or any portion of
1227 its death benefit, on any date following the issuance of the policy.

1228 (B) "Life settlement contract" does not include:

1229 (i) A policy loan by a life insurance company pursuant to the terms
1230 of the life insurance policy or accelerated death provisions contained in
1231 the life insurance policy, whether issued with the original policy or as a
1232 rider;

1233 (ii) A premium finance loan, as defined in subparagraph (A)(iv) of
1234 this subdivision, or any loan made by a bank or other licensed financial
1235 institution, provided neither default on such loan or the transfer of the
1236 policy, in connection with such default, is pursuant to an agreement or
1237 understanding with any other person for the purpose of evading
1238 regulation under this part;

1239 (iii) A collateral assignment of a life insurance policy by an owner;

1240 (iv) A loan made by a lender that does not violate sections 38a-162 to
1241 38a-170, inclusive, provided such loan is not described in subparagraph
1242 (A) of this subdivision and is not otherwise within the definition of life
1243 settlement contract;

1244 (v) An agreement where all the parties are closely related to the
1245 insured by blood or law or have a lawful substantial economic interest
1246 in the continued life, health and bodily safety of the person insured, or
1247 are trusts established primarily for the benefit of such parties;

1248 (vi) Any designation, consent or agreement by an insured who is an
1249 employee of an employer in connection with the purchase by the

1250 employer, or trust established by the employer, of life insurance on the
1251 life of the employee;

1252 (vii) A bona fide business succession planning arrangement: (I)
1253 Between one or more shareholders in a corporation or between a
1254 corporation and one or more of its shareholders or one or more trusts
1255 established by its shareholders; (II) between one or more partners in a
1256 partnership or between a partnership and one or more of its partners or
1257 one or more trusts established by its partners; or (III) between one or
1258 more members in a limited liability company or between a limited
1259 liability company and one or more of its members or one or more trusts
1260 established by its members;

1261 (viii) An agreement entered into by a service recipient or a trust
1262 established by the service recipient, and a service provider or a trust
1263 established by the service provider, that performs significant services
1264 for the service recipient's trade or business; or

1265 (ix) Any other contract, transaction or arrangement from the
1266 definition of life settlement contract that the commissioner determines
1267 is not of the type intended to be regulated by this part.

1268 (12) "Net death benefit" means the amount of the life insurance policy
1269 or certificate to be settled less any outstanding debts or liens.

1270 (13) "Owner" means the owner of a life insurance policy or a
1271 certificate holder under a group policy, with or without a terminal
1272 illness, who enters or seeks to enter into a life settlement contract. For
1273 the purposes of this part, an owner shall not be limited to an owner of a
1274 life insurance policy or a certificate holder under a group policy that
1275 insures the life of an individual with a terminal or chronic illness or
1276 condition, except where specifically addressed. "Owner" does not
1277 include: (A) Any provider or other licensee under this part; (B) a
1278 qualified institutional buyer, as defined in Rule 144A of the federal
1279 Securities Act of 1933, as amended from time to time; (C) a financing
1280 entity; (D) a special purpose entity; or (E) a related provider trust.

1281 (14) "Patient identifying information" means an insured's address,
1282 telephone number, facsimile number, electronic mail address,
1283 photograph or likeness, employer, employment status, Social Security
1284 number or any other information that is likely to lead to the
1285 identification of the insured.

1286 (15) "Person" means a natural person or a legal entity, including, but
1287 not limited to, an individual, partnership, limited liability company,
1288 association, trust or corporation.

1289 (16) "Policy" means an individual or group policy, group certificate,
1290 contract or arrangement of life insurance owned by a resident of this
1291 state, regardless of whether delivered or issued for delivery in this state.

1292 (17) "Premium finance loan" means a loan made primarily for the
1293 purposes of making premium payments on a life insurance policy,
1294 which loan is secured by an interest in such life insurance policy.

1295 (18) "Provider" means a person, other than an owner, who enters into
1296 or effectuates a life settlement contract with an owner. "Provider" does
1297 not include:

1298 (A) Any bank, savings bank, savings and loan association or credit
1299 union;

1300 (B) A licensed lending institution, creditor or secured party pursuant
1301 to a premium finance loan agreement that takes an assignment of a life
1302 insurance policy or certificate issued pursuant to a group life insurance
1303 policy as collateral for a loan;

1304 (C) The insurer of a life insurance policy or rider providing
1305 accelerated death benefits or riders pursuant to section 38a-457 or cash
1306 surrender value;

1307 (D) A natural person who enters into or effectuates no more than one
1308 agreement in a calendar year for the transfer of a life insurance policy or
1309 certificate issued pursuant to a group life insurance policy, for

1310 compensation or any value less than the expected death benefit payable
1311 under the policy;

1312 (E) A purchaser;

1313 (F) An authorized or eligible insurer that provides stop loss coverage
1314 to a provider, purchaser, financing entity, special purpose entity or
1315 related provider trust;

1316 (G) A financing entity;

1317 (H) A special purpose entity;

1318 (I) A related provider trust;

1319 (J) A broker; or

1320 (K) An accredited investor or a qualified institutional buyer, as
1321 defined in Rule 501 of Regulation D or Rule 144A, respectively, of the
1322 federal Securities Act of 1933, as amended from time to time, who
1323 purchases a life settlement policy from a provider.

1324 (19) "Purchased policy" means a policy or group certificate that has
1325 been acquired by a provider pursuant to a life settlement contract.

1326 (20) "Purchaser" means a person who pays compensation or anything
1327 of value as consideration for a beneficial interest in a trust that is vested
1328 with, or for the assignment, transfer or sale of, an ownership or other
1329 interest in a life insurance policy or a certificate issued pursuant to a
1330 group life insurance policy that is the subject of a life settlement contract.

1331 (21) "Related provider trust" means a titling trust or other trust
1332 established by a licensed provider or a financing entity for the sole
1333 purpose of holding the ownership or beneficial interest in purchased
1334 policies in connection with a financing transaction.

1335 (22) "Settled policy" means a life insurance policy or certificate that
1336 has been acquired by a provider pursuant to a life settlement contract.

1337 (23) "Special purpose entity" means a corporation, partnership, trust,
1338 limited liability company or other similar entity formed solely to
1339 provide, either directly or indirectly, access to institutional capital
1340 markets (A) for a financing entity or provider, (B) in connection with a
1341 transaction in which the securities in the special purpose entity are
1342 acquired by the owner or by a qualified institutional buyer, as defined
1343 in Rule 144A of the federal Securities Act of 1933, as amended from time
1344 to time, or (C) the securities pay a fixed rate of return commensurate
1345 with established asset-backed institutional capital markets.

1346 (24) "Stranger-originated life insurance" means an act, practice or
1347 arrangement to initiate a life insurance policy for the benefit of a third-
1348 party investor who, at the time of policy origination, has no insurable
1349 interest in the insured. Such practices include, but are not limited to,
1350 cases in which life insurance is purchased with resources or guarantees
1351 from or through a person or entity, who, at the time of policy inception,
1352 could not lawfully initiate the policy himself or itself, and where, at the
1353 time of inception, there is an arrangement or agreement, whether verbal
1354 or written, to directly or indirectly transfer the ownership of the policy
1355 or the policy benefits to a third-party. Trusts created to give the
1356 appearance of insurable interest and used to initiate policies for
1357 investors violate insurable interest laws and the prohibition against
1358 wagering on life. Stranger-originated life insurance arrangements do
1359 not include those practices set forth in subparagraph (B) of subdivision
1360 (11) of this section.

1361 (25) "Terminally ill" means having an illness or sickness that can
1362 reasonably be expected to result in death in twenty-four months or less.

1363 Sec. 18. (NEW) (*Effective from passage*) (a) There is established a grant
1364 program to provide individuals who are indigent with access to legal
1365 assistance when making an application for a restraining order under
1366 section 46b-15 of the general statutes, as amended by this act. The
1367 program shall be administered by the organization that administers the
1368 program for the use of interest earned on lawyers' clients' funds
1369 accounts pursuant to section 51-81c of the general statutes.

1370 (b) Not later than three months after receiving funding in any year
1371 pursuant to section 19 of this act, the organization administering the
1372 program shall issue a request for proposals from nonprofit entities
1373 whose principal purpose is providing legal services to individuals who
1374 are indigent, for the purpose of awarding grants to provide counsel to
1375 indigent individuals who express an interest in applying for a
1376 restraining order pursuant to section 46b-15 of the general statutes, as
1377 amended by this act, and, to the extent practicable within the funding
1378 awarded, representing such individuals throughout the process of
1379 applying for such restraining order, including at prehearing conferences
1380 and at the hearing on an application. A nonprofit entity responding to
1381 the request for proposals may partner with law schools or other non-
1382 profit entities or publicly funded organizations that are not
1383 governmental entities, for the provision of services pursuant to a grant.
1384 Each response to the request for proposals shall specify the judicial
1385 district courthouse, or courthouses, for which services will be provided.

1386 (c) The organization administering the program may only award a
1387 grant (1) to provide services in the judicial districts of Fairfield,
1388 Hartford, New Haven, Stamford-Norwalk or Waterbury, and (2) in an
1389 amount not to exceed two hundred thousand dollars, except that a grant
1390 to provide services in the judicial district with the highest average
1391 number of applications for restraining orders under section 46b-15 of
1392 the general statutes, as amended by this act, over the previous three
1393 fiscal years may receive a grant of not more than four hundred thousand
1394 dollars. Grants may not be used to provide services to individuals who
1395 are not indigent.

1396 (d) The organization administering the program may only award a
1397 grant to a nonprofit entity whose principal purpose is providing legal
1398 services to individuals who are indigent, if such nonprofit entity
1399 demonstrates the ability to:

1400 (1) Verify at the time of meeting with an individual that such
1401 potential client is indigent and meets applicable household income
1402 eligibility requirements set by the entity;

1403 (2) Arrange for at least one individual who has the relevant training
1404 or experience and is authorized to provide legal counsel to individuals
1405 who express an interest in applying for a restraining order, to be present
1406 in the courthouse or courthouses identified in response to the request
1407 for proposals during all business hours;

1408 (3) Provide continued representation to individuals throughout the
1409 restraining order process, including in court for the hearing on the
1410 restraining order, to the greatest extent practicable within the funding
1411 awarded and if requested to do so by an individual after providing
1412 assistance with a restraining order application;

1413 (4) Provide any individual in the courthouse who expresses an
1414 interest in applying for a restraining order with all applicable forms that
1415 may be necessary to apply for a restraining order; and

1416 (5) Track and report to the organization administering the program
1417 on the services provided pursuant to the program, including (A) the
1418 procedural outcomes of restraining order applications filed, (B) the
1419 number of instances where legal counsel was provided prior to the filing
1420 of an application but not during the remainder of the restraining order
1421 process, and the reasons limiting the duration of such representation,
1422 and (C) information on any other legal representation provided to
1423 individuals pursuant to the program on matters that were ancillary to
1424 the circumstances that supported the application for a restraining order.

1425 (e) In awarding grants, the organization administering the program
1426 shall give preference to nonprofit entities (1) that demonstrate the ability
1427 to provide legal representation to clients regarding matters ancillary to
1428 the circumstances that supported the application for a restraining order;
1429 (2) with experience offering legal representation to individuals during
1430 the restraining order process; or (3) that can provide quality remote
1431 services should courthouses be closed to the public.

1432 (f) The Chief Court Administrator shall (1) provide each grant
1433 recipient with office space in the judicial district courthouse or

1434 courthouses served by such recipient under the grant program to
1435 conduct intake interviews and assist clients with applications for
1436 restraining orders, and (2) require court clerks at such courthouses, prior
1437 to accepting an application for a restraining order pursuant to section
1438 46b-15 of the general statutes, as amended by this act, to inform each
1439 individual filing such application, or inquiring about filing such an
1440 application, that pro bono legal services are available from the grant
1441 recipient for income-eligible individuals and where the grant recipient
1442 is located in the courthouse.

1443 (g) The Chief Court Administrator shall post on the Internet web site
1444 of the Judicial Branch where instructions for filing a restraining order
1445 pursuant to section 46b-15 of the general statutes, as amended by this
1446 act, are provided, information on the pro bono legal services available
1447 from grant recipients for income-eligible individuals at the applicable
1448 courthouses.

1449 (h) For each year that funding is provided for the program under this
1450 section, the organization administering the program shall either
1451 conduct, or partner with an academic institution or other qualified
1452 entity for the purpose of conducting, an analysis of the impact of the
1453 program, including, but not limited to, (1) the procedural outcomes for
1454 applications filed in association with services provided by grant
1455 recipients under the program, (2) the types and extent of legal services
1456 provided to individuals served pursuant to the program, including on
1457 matters ancillary to the restraining order application, and (3) the
1458 number of cases where legal services were provided before an
1459 application was filed but legal representation did not continue during
1460 the restraining order process and the reasons for such limited
1461 representations. Not later than July first of the year following any year
1462 in which the program received funding, the organization administering
1463 the program shall submit a report on the results of such analysis in
1464 accordance with the provisions of section 11-4a of the general statutes,
1465 to the joint standing committee of the General Assembly having
1466 cognizance of matters relating to the judiciary.

1467 Sec. 19. (*Effective from passage*) During each of the fiscal years ending
1468 June 30, 2022, and June 30, 2023, the Attorney General, utilizing transfer
1469 invoices, shall remit one million two hundred fifty thousand dollars to
1470 the organization administering the program established pursuant to
1471 section 18 of this act, from moneys received by the Office of the Attorney
1472 General in connection with the settlement of any lawsuit to which the
1473 state is a party. Such remittal in the fiscal year ending June 30, 2023, shall
1474 occur no later than one year following the date of the remittal in the
1475 previous fiscal year. Moneys remitted to the organization pursuant to
1476 this section shall be used for purposes of the program established in
1477 section 18 of this act. Up to five per cent of the total amount received by
1478 such organization may be used for the reasonable costs of administering
1479 the program, including the completion of the analysis and report
1480 required by subsection (h) of section 18 of this act.

1481 Sec. 20. Subsections (a) and (b) of section 54-64a of the general statutes
1482 are repealed and the following is substituted in lieu thereof (*Effective*
1483 *October 1, 2021*):

1484 (a) (1) Except as provided in subdivision (2) of this subsection and
1485 subsection (b) of this section, when any arrested person is presented
1486 before the Superior Court, said court shall, in bailable offenses,
1487 promptly order the release of such person upon the first of the following
1488 conditions of release found sufficient to reasonably ensure the
1489 appearance of the arrested person in court: (A) Upon execution of a
1490 written promise to appear without special conditions, (B) upon
1491 execution of a written promise to appear with nonfinancial conditions,
1492 (C) upon execution of a bond without surety in no greater amount than
1493 necessary, (D) upon execution of a bond with surety in no greater
1494 amount than necessary, but in no event shall a judge prohibit a bond
1495 from being posted by surety. In addition to or in conjunction with any
1496 of the conditions enumerated in subparagraphs (A) to (D), inclusive, of
1497 this subdivision the court may, when it has reason to believe that the
1498 person is drug-dependent and where necessary, reasonable and
1499 appropriate, order the person to submit to a urinalysis drug test and to

1500 participate in a program of periodic drug testing and treatment. The
1501 results of any such drug test shall not be admissible in any criminal
1502 proceeding concerning such person.

1503 (2) If the arrested person is charged with no offense other than a
1504 misdemeanor, the court shall not impose financial conditions of release
1505 on the person unless (A) the person is charged with a family violence
1506 crime, as defined in section 46b-38a, as amended by this act, or (B) the
1507 person requests such financial conditions, or (C) the court makes a
1508 finding on the record that there is a likely risk that (i) the arrested person
1509 will fail to appear in court, as required, or (ii) the arrested person will
1510 obstruct or attempt to obstruct justice, or threaten, injure or intimidate
1511 or attempt to threaten, injure or intimidate a prospective witness or
1512 juror, or (iii) the arrested person will engage in conduct that threatens
1513 the safety of himself or herself or another person. In making a finding
1514 described in this subsection, the court may consider past criminal
1515 history, including any prior record of failing to appear as required in
1516 court that resulted in any conviction for a violation of section 53a-172 or
1517 any conviction during the previous ten years for a violation of section
1518 53a-173 and any other pending criminal cases of the person charged
1519 with a misdemeanor.

1520 (3) The court may, in determining what conditions of release will
1521 reasonably ensure the appearance of the arrested person in court,
1522 consider the following factors: (A) The nature and circumstances of the
1523 offense, (B) such person's record of previous convictions, (C) such
1524 person's past record of appearance in court, (D) such person's family
1525 ties, (E) such person's employment record, (F) such person's financial
1526 resources, character and mental condition, [and] (G) such person's
1527 community ties, and (H) in the case of a violation of 53a-222a when the
1528 condition of release was issued for a family violence crime, as defined
1529 in section 46b-38a, as amended by this act, the heightened risk posed to
1530 victims of family violence by violations of conditions of release.

1531 (b) (1) When any arrested person charged with the commission of a
1532 class A felony, a class B felony, except a violation of section 53a-86 or

1533 53a-122, a class C felony, except a violation of section 53a-87, 53a-152 or
1534 53a-153, or a class D felony under sections 53a-60 to 53a-60c, inclusive,
1535 section 53a-72a, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216,
1536 or a family violence crime, as defined in section 46b-38a, as amended by
1537 this act, is presented before the Superior Court, said court shall, in
1538 bailable offenses, promptly order the release of such person upon the
1539 first of the following conditions of release found sufficient to reasonably
1540 ensure the appearance of the arrested person in court and that the safety
1541 of any other person will not be endangered: (A) Upon such person's
1542 execution of a written promise to appear without special conditions, (B)
1543 upon such person's execution of a written promise to appear with
1544 nonfinancial conditions, (C) upon such person's execution of a bond
1545 without surety in no greater amount than necessary, (D) upon such
1546 person's execution of a bond with surety in no greater amount than
1547 necessary, but in no event shall a judge prohibit a bond from being
1548 posted by surety. In addition to or in conjunction with any of the
1549 conditions enumerated in subparagraphs (A) to (D), inclusive, of this
1550 subdivision, the court may, when it has reason to believe that the person
1551 is drug-dependent and where necessary, reasonable and appropriate,
1552 order the person to submit to a urinalysis drug test and to participate in
1553 a program of periodic drug testing and treatment. The results of any
1554 such drug test shall not be admissible in any criminal proceeding
1555 concerning such person.

1556 (2) The court may, in determining what conditions of release will
1557 reasonably ensure the appearance of the arrested person in court and
1558 that the safety of any other person will not be endangered, consider the
1559 following factors: (A) The nature and circumstances of the offense, (B)
1560 such person's record of previous convictions, (C) such person's past
1561 record of appearance in court after being admitted to bail, (D) such
1562 person's family ties, (E) such person's employment record, (F) such
1563 person's financial resources, character and mental condition, (G) such
1564 person's community ties, (H) the number and seriousness of charges
1565 pending against the arrested person, (I) the weight of the evidence
1566 against the arrested person, (J) the arrested person's history of violence,

1567 (K) whether the arrested person has previously been convicted of
1568 similar offenses while released on bond, [and] (L) the likelihood based
1569 upon the expressed intention of the arrested person that such person
1570 will commit another crime while released, and (M) the heightened risk
1571 posed to victims of family violence by violations of conditions of release
1572 and court orders of protection.

1573 (3) When imposing conditions of release under this subsection, the
1574 court shall state for the record any factors under subdivision (2) of this
1575 subsection that it considered and the findings that it made as to the
1576 danger, if any, that the arrested person might pose to the safety of any
1577 other person upon the arrested person's release that caused the court to
1578 impose the specific conditions of release that it imposed.

1579 Sec. 21. Subsection (a) of section 53a-181j of the general statutes is
1580 repealed and the following is substituted in lieu thereof (*Effective October*
1581 *1, 2021*):

1582 (a) A person is guilty of intimidation based on bigotry or bias in the
1583 first degree when such person maliciously, and with specific intent to
1584 intimidate or harass another person [because of] motivated in whole or
1585 in substantial part by the actual or perceived race, religion, ethnicity,
1586 disability, sex, sexual orientation or gender identity or expression of
1587 such other person, causes physical injury to such other person or to a
1588 third person.

1589 Sec. 22. Subsection (a) of section 53a-181k of the general statutes is
1590 repealed and the following is substituted in lieu thereof (*Effective October*
1591 *1, 2021*):

1592 (a) A person is guilty of intimidation based on bigotry or bias in the
1593 second degree when such person maliciously, and with specific intent
1594 to intimidate or harass another person or group of persons [because of]
1595 motivated in whole or in substantial part by the actual or perceived race,
1596 religion, ethnicity, disability, sex, sexual orientation or gender identity
1597 or expression of such other person or group of persons, does any of the

1598 following: (1) Causes physical contact with such other person or group
1599 of persons, (2) damages, destroys or defaces any real or personal
1600 property of such other person or group of persons, or (3) threatens, by
1601 word or act, to do an act described in subdivision (1) or (2) of this
1602 subsection, if there is reasonable cause to believe that an act described
1603 in subdivision (1) or (2) of this subsection will occur.

1604 Sec. 23. Subsection (a) of section 53a-181l of the general statutes is
1605 repealed and the following is substituted in lieu thereof (*Effective October*
1606 *1, 2021*):

1607 (a) A person is guilty of intimidation based on bigotry or bias in the
1608 third degree when such person, with specific intent to intimidate or
1609 harass another person or group of persons [because of] motivated in
1610 whole or in substantial part by the actual or perceived race, religion,
1611 ethnicity, disability, sex, sexual orientation or gender identity or
1612 expression of such other person or persons: (1) Damages, destroys or
1613 defaces any real or personal property, or (2) threatens, by word or act,
1614 to do an act described in subdivision (1) of this subsection or advocates
1615 or urges another person to do an act described in subdivision (1) of this
1616 subsection, if there is reasonable cause to believe that an act described
1617 in said subdivision will occur.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	46b-1
Sec. 2	October 1, 2021	46b-15
Sec. 3	October 1, 2021	46b-15c
Sec. 4	October 1, 2021	46b-38a(3)
Sec. 5	July 1, 2021	46b-38b(g)(5)
Sec. 6	October 1, 2021	46b-38c(e)
Sec. 7	October 1, 2021	46b-54(f)
Sec. 8	October 1, 2021	46b-56
Sec. 9	October 1, 2021	New section
Sec. 10	July 1, 2021	51-27h
Sec. 11	October 1, 2021	51-27i

Sec. 12	<i>July 1, 2021</i>	17b-105a
Sec. 13	<i>July 1, 2021</i>	17b-749(b) and (c)
Sec. 14	<i>July 1, 2021</i>	17b-191(c)
Sec. 15	<i>October 1, 2021</i>	38a-816
Sec. 16	<i>October 1, 2021</i>	38a-447
Sec. 17	<i>October 1, 2021</i>	38a-465
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>October 1, 2021</i>	54-64a(a) and (b)
Sec. 21	<i>October 1, 2021</i>	53a-181j(a)
Sec. 22	<i>October 1, 2021</i>	53a-181k(a)
Sec. 23	<i>October 1, 2021</i>	53a-181l(a)

Statement of Legislative Commissioners:

In Section 1(b), "unless the context otherwise requires", was inserted before "domestic violence" for consistency with other provisions of the bill, Section 10 was rewritten for clarity and the effective date was changed for consistency with the provisions of the section, in Section 18(c)(1) "Bridgeport" was changed to "Fairfield" and "Stamford" was changed to "Stamford-Norwalk" for accuracy, and in Section 19 "(NEW)" was removed for accuracy.

JUD *Joint Favorable Subst.*