

NATIONAL CRIME VICTIM LAW INSTITUTE

at Lewis & Clark Law School

PROTECTING, ENFORCING, and ADVANCING VICTIMS' RIGHTS

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CONNECTICUT VICTIMS' RIGHTS LAWS¹

Constitution

Article I, § 8b – Rights of victims of crime

- b. In all criminal prosecutions, a victim, as the General Assembly may define by law, shall have the following rights: (1) The right to be treated with fairness and respect throughout the criminal justice process; (2) The right to timely disposition of the case following arrest of the accused, provided no right of the accused is abridged; (3) The right to be reasonably protected from the accused throughout the criminal justice process; (4) The right to notification of court proceedings; (5) the right to attend the trial and all other court proceedings the accused has the right to attend, unless such person is to testify and the court determines that such person's testimony would be materially affected if such person hears other testimony; (6) The right to communicate with the prosecution; (7) The right to object to or support any plea agreement entered into by the accused and the prosecution and to make a statement to the court prior to the acceptance by the court of the plea of guilty or nolo contendere by the accused; (8) The right to make a statement to the court at sentencing; (9) The right to restitution which shall be enforceable in the same manner as any other cause of action or as otherwise provided by law; and (10) The right to information about the arrest, conviction, sentence, imprisonment and release of the accused. The General Assembly shall provide by law for the enforcement of this subsection. Nothing in this subsection or in any law enacted pursuant to this subsection shall be construed as creating a basis for vacating a conviction or ground for appellate relief in any criminal case.

Statutes

Title 54, Criminal Procedure; Chapter 968, Victim Services

§ 54-201 – Definitions

As used in this chapter:

- (1) "Victim" means a person who is injured or killed as provided in section 54-209;
- (2) "Personal injury" means (A) actual bodily harm and mental anguish which is the direct result of bodily injury and includes pregnancy and any condition thereof, or (B) injury to a guide dog or assistance dog owned or kept by a blind or disabled person;

¹ Not intended to be exhaustive.

- (3) "Dependent" means any relative of a deceased victim or a person designated by a deceased victim in accordance with section 1-56r who was wholly or partially dependent upon his income at the time of his death or the child of a deceased victim and shall include the child of such victim born after his death;
- (4) "Relative of any person" means the spouse, parent, grandparent, stepparent, child, including natural born, step and adopted, grandchild, brother, sister, half brother, half sister or spouse's parents;
- (5) "Crime" means any act which is a felony, as defined in section 53a-25, or misdemeanor, as defined in section 53a-26, and includes any crime committed by a juvenile.

§ 54-220 – Victim advocates. Responsibilities and duties

- (a) Victim advocates shall have the following responsibilities and duties: (1) To provide initial screening of each personal injury case; (2) to assist victims in the preparation of victim impact statements to be placed in court files; (3) to notify victims of their rights and request that each victim so notified attest to the fact of such notification of rights on a form developed by the Office of the Chief Court Administrator, which form shall be signed by the victim advocate and the victim and be placed in court files and a copy of which form shall be provided to the victim; (4) to provide information and advice to victims in order to assist such victims in exercising their rights throughout the criminal justice process; (5) to direct victims to public and private agencies for service; (6) to coordinate victim applications to the Office of Victim Services; and (7) to assist victims in the processing of claims for restitution.
- (b) Within available appropriations, the Office of Victim Services may contract with any public or private agency for victim advocate services in geographical area courts.

§ 54-221 – Appointment of advocates for victims of crime by court.

The court may appoint any appropriate person to act as an advocate for any victim of a crime.

The court shall not appoint an advocate under this section unless the victim agrees to such appointment.

§ 54-222a – Duty of peace officer to inform victim re victim services at scene of crime

- (a) Whenever a peace officer determines that a crime has been committed, such officer shall: (1) Render immediate assistance to any crime victim, including obtaining medical assistance for any such crime victim if such assistance is required; (2) present a card prepared by the Office of the Chief Court Administrator to the crime victim informing the crime victim of

services available and the rights of crime victims in this state; and (3) refer the crime victim to the Office of Victim Services for additional information on rights and services. A peace officer shall not be liable for failing to present an informational card to any crime victim as provided in subdivision (2) of this subsection or for failing to refer any crime victim to the Office of Victim Services as provided in subdivision (3) of this subsection. For the purposes of this subsection, "crime victim" shall have the same meaning as provided in section 1-1k.

- (b) The Commissioner of Public Safety shall adopt regulations in accordance with chapter 54 to implement the provisions of subsection (a) of this section.

§ 54-223 – Failure to afford rights to victim shall not constitute grounds for vacating conviction or voiding sentence or parole determination

Failure to afford the victim of a crime any of the rights provided pursuant to any provision of the general statutes shall not constitute grounds for vacating an otherwise lawful conviction or voiding an otherwise lawful sentence or parole determination.

§ 54-224 – Liability of state re failure to afford rights to crime victims

Except as provided in subsection (d) of section 46b-38b, the state or any agent, employee or officer thereof shall not be liable for (1) the failure to afford the victim of a crime any of the rights provided pursuant to any provision of the general statutes or (2) the failure to provide the victim of a crime with any notice pursuant to any provision of the general statutes.

§ 54-226 – Definitions

For the purposes of sections 54-226 to 54-231, inclusive, "furlough" means the temporary custodial transfer of an inmate from incarcerative custody to community custody for an authorized purpose under the supervision of a verified community sponsor, and "victim" means the victim, the legal representative of the victim or a member of the deceased victim's immediate family.

§ 54-228 – Request by victim or family member of inmate for notification

- (a) Any victim of a crime or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, except a furlough that is granted for the purpose of reintegrating an inmate into the community and allows such inmate to serve the period immediately preceding such inmate's parole release or discharge date in the community, may complete and file a request for notification with the Office of Victim Services or the Victim

Services Unit within the Department of Correction.

- (b) Any victim of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254, who desires to be notified whenever the person who was convicted or found not guilty by reason of mental disease or defect of such offense files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsection (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.
- (c) Such request for notification shall be in such form and content as the Office of the Chief Court Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her current mailing address, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction. Nothing in this section shall be construed to prohibit the Office of Victim Services and the Department of Correction from communicating with each other to determine if either has a current mailing address of a victim and, if so, from disclosing such mailing address to each other for the purpose of facilitating notification to the victim, provided such mailing address shall not be further disclosed.

§ 54-230 – Notification of victims and other persons by Office of Victim Services when inmate or sexual offender seeks release or other relief or is released from a correctional institution

- (a) Upon receipt of notice from an inmate pursuant to section 54-227, the Office of Victim Services shall notify by certified mail all persons who have requested to be notified pursuant to subsection (a) of section 54-228 and section 54-229 whenever such inmate makes application for release or sentence reduction or review. Such notice shall be in writing and notify each person of the nature of the release or sentence reduction or review being applied for, the address and telephone number of the board or agency to which the application by the inmate was made, and the date and place of the hearing or session, if any, scheduled on the application.
- (b) Upon receipt of notice from a person pursuant to subsection (b) of section 54-227, the Office of Victim Services shall notify by certified mail all persons who have requested to be notified pursuant to subsection (b) of section 54-228 whenever such person files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsections (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration

information, or removing such restriction. Such notice shall be in writing and notify each person of the nature of the exemption or of the restriction or removal of the restriction being applied for, the address and telephone number of the court to which the application or petition by the person was made, and the date and place of the hearing or session, if any, scheduled on the application or petition.

- (c) Upon compliance with the notification requirements of this section, the Office of Victim Services shall notify, on a form prescribed by the Office of the Chief Court Administrator, the board, agency or court to which the application or petition was made of such compliance.
- (d) Upon receipt of notice from the Department of Correction pursuant to section 54-231, the Office of Victim Services shall notify by certified mail all victims who have requested to be notified pursuant to section 54-228 whenever such inmate is scheduled to be released from a correctional institution. Such notice shall be in writing and notify each victim of the date of such inmate's release. The victim shall notify the Office of Victim Services of his or her current mailing address, which shall be kept confidential and shall not be disclosed by the Office of Victim Services. Nothing in this section shall be construed to prohibit the Office of Victim Services and the Department of Correction from communicating with each other to determine if either has a current mailing address of a victim and, if so, from disclosing such mailing address to each other for the purpose of facilitating notification to the victim, provided such mailing address shall not be further disclosed.

§ 54-230a – Notification of victims and other persons by Department of Corrections when inmate or sexual offender seeks release or other relief

- (a) Upon receipt of notice from an inmate pursuant to section 54-227, the Victim Services Unit within the Department of Correction shall notify by certified mail all persons who have requested to be notified pursuant to subsection (a) of section 54-228 and section 54-229 whenever such inmate makes application for release or sentence reduction or review. Such notice shall be in writing and notify each person of the nature of the release or sentence reduction or review being applied for, the address and telephone number of the board or agency to which the application by the inmate was made, and the date and place of the hearing or session, if any, scheduled on the application.
- (b) Upon receipt of notice from a person pursuant to subsection (b) of section 54-227, the Victim Services Unit within the Department of Correction shall notify by certified mail all persons who have requested to be notified pursuant to subsection (b) of section 54-228 whenever such person files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsections (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction. Such notice shall be in writing and notify each person of the nature of the exemption or of the restriction or the removal of the restriction being applied for, the address and telephone number of the court to which the application or petition by the person was made, and the date and place of the hearing or session, if any, scheduled on the application or petition.

- (c) Upon compliance with the notification requirements of this section, the Victim Services Unit within the Department of Correction shall notify, on a form prescribed by the Office of the Chief Court Administrator, the board, agency or court to which the application or petition was made of such compliance.