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## **OLR Bill Analysis**

### **HB 5311**

#### ***AN ACT CONCERNING THE NONISSUANCE OF A STANDING CRIMINAL PROTECTIVE ORDER IN THE CASE OF A FAMILY VIOLENCE CRIME.***

#### **SUMMARY**

This bill requires a Superior Court, if it does not issue a standing criminal protective order against someone convicted, or found not guilty due to mental disease or defect, of a family violence crime, to state its reasons for not doing so on the record.

Existing law allows a Superior Court to independently issue, on a victim's behalf, a standing criminal protective order if the (1) defendant is convicted, or found not guilty due to mental disease or defect, of certain specified crimes or a crime that constitutes a family violence crime and (2) court determines that the offender's criminal conduct indicates that the order will best serve the victim's and public's interest. The order stays in place for the period the court sets, unless the court modifies or revokes it. For other crimes, the court may issue this order for good cause shown.

EFFECTIVE DATE: October 1, 2026

#### **BACKGROUND**

##### ***Family Violence Crimes***

By law, a "family violence crime" is a crime, but not a delinquent act, which, with its other elements, has as an element a family violence act to a family or household member, including a (1) 1st or 2nd degree violation of conditions of release or (2) criminal violation of a protective order, a standing criminal protective order, or a restraining order. It does not include acts by parents or guardians disciplining minor children unless they constitute abuse (CGS § 46b-38a(3)).

"Family violence" is an incident causing physical harm, bodily

injury, or assault, or an act of threatened violence that creates fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument is not family violence unless there is present danger and the likelihood of physical violence (CGS § 46b-38a(1)).

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 37 Nay 0 (03/24/2026)