



NATASHA M. PIERRE, ESQ.
State Victim Advocate

October 3, 2019

Joseph J. Del Ciampo
Counsel to the Rules Committee
State of CT Judicial Branch
Via email to Joseph.DelCiampo@jud.ct.gov

Re: OVA's Proposal for Rule Amendments

Dear Attorney Del Ciampo.

I am writing in response to your correspondence dated September 23, 2019 regarding the above referenced matter.

Response to your questions:

- I am not seeking amendments to the Code of Judicial Conduct. I am seeking amendments to the Rules of Professional Conduct, the Procedural Rules Juvenile Matters, and the Procedural Rules in Criminal Matters.
- #3- Section 30a-5: requesting a new section.
- #4 - Sec 39-7: requesting a new section.
- #5 – requesting a new sections in Sections 30a-1, 30a-5, 39-7, 43-10.

I've attached the proposals – only amended to clarify whether or not the requested amendment is to existing language or entirely new language. Please let me know if you have any questions or concerns. I can be reached at (860) 550-6632 or Natasha.Pierre@ct.gov.

Sincerely,


Natasha M. Pierre, JD, MSW

Rules of Professional Conduct

Rule 3.8 Special Responsibilities of a Prosecutor

NEW SECTION: Make reasonable efforts to assure that the victim, the parent or guardian of such victim or such victim's counsel has been advised of their rights, the procedures for exercising such rights, and are given reasonable opportunity to exercise such rights.

Procedure in Juvenile Matters

Sec 30a Initial Plea Hearing

AMEND 30a-1(a): The judicial authority shall begin the hearing by determining whether all necessary parties are present and that the rules governing services of notice for nonappearing parties and the victim of a delinquent act, the parent or guardian of such victim or such victim's counsel have been complied with, and shall note these facts for the record. The judicial authority shall then inform the parties of the substance of the petition or information

NEW SECTION: If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.

Sec 30a-5 Dispositional Hearing

NEW SECTION Prior to any disposition, the victim of a delinquent act, the parent or guardian of such victim or such victim's counsel shall be allowed a reasonable opportunity to make a victim impact statement to the judicial authority.

NEW SECTION: If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.

Procedure in Criminal Matters

Sec 39-7 Notice of Plea Agreement

NEW SECTION: Notice of the plea agreement and hearing shall be provided to the victim, the parent or guardian of such victim or such victim's counsel.

NEW SECTION: If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify

any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.

Sec 43-10 Sentencing Hearing; Procedures To Be Followed

NEW SECTION: If no victim is present at the hearing and a written statement has not been submitted, the court shall inquire on the record whether an attempt has been made to notify any such victim. If it is not established that a reasonable attempt has been made to notify the victim, the court shall: (1) reschedule the hearing; or (2) proceed with the hearing but reserve ruling until the victim has been notified and given an opportunity to make a statement.