



General Assembly

January Session, 2019

Raised Bill No. 1056

LCO No. 5660



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING ALLOTMENT REDUCTIONS FOR THE
DIVISION OF PUBLIC DEFENDER SERVICES AND DIVERSIONARY
PROGRAMS.***

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

1 Section 1. Subsection (e) of section 4-85 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (e) The provisions of this section shall not be construed to authorize
5 the Governor to reduce allotment requisitions or allotments in force
6 concerning (1) aid to municipalities; or (2) any budgeted agency of the
7 legislative or judicial branch, except that the Governor may propose an
8 aggregate allotment reduction of a specified amount in accordance
9 with this section for the legislative or judicial branch. If the Governor
10 proposes to reduce allotment requisitions or allotments in force for any
11 budgeted agency of the legislative or judicial branch, the Secretary of
12 the Office of Policy and Management shall, at least five days before the
13 effective date of such proposed reductions, notify the president pro
14 tempore of the Senate and the speaker of the House of Representatives

15 of any such proposal affecting the legislative branch and the Chief
16 Justice of any such proposal affecting the judicial branch and the Chief
17 Public Defender of any such proposal affecting the Division of Public
18 Defender Services. Such notification shall include the amounts,
19 effective dates and reasons necessitating the proposed reductions. Not
20 later than three days after receipt of such notification, the president pro
21 tempore or the speaker, or both, or the Chief Justice and the Chief
22 Public Defender, as appropriate, may notify the Secretary of the Office
23 of Policy and Management and the chairpersons and ranking members
24 of the joint standing committee of the General Assembly having
25 cognizance of matters relating to appropriations and the budgets of
26 state agencies, in writing, of any objection to the proposed reductions.
27 The committee may hold a public hearing on such proposed
28 reductions. Such proposed reductions shall become effective unless
29 they are rejected by a two-thirds vote of the members of the committee
30 not later than fifteen days after receipt of the notification of objection to
31 the proposed reductions. If the committee rejects such proposed
32 reductions, the Secretary of the Office of Policy and Management shall
33 present an alternative plan to achieve such reductions to the president
34 pro tempore and the speaker for any such proposal affecting the
35 legislative branch or to the Chief Justice for any such proposal
36 affecting the judicial branch and to the Chief Public Defender for any
37 such proposal affecting the Division of Public Defender Services. If
38 proposed reductions in allotment requisitions or allotments in force for
39 any budgeted agency of the legislative or judicial branch are not
40 rejected, such reductions shall be achieved as determined by the Joint
41 Committee on Legislative Management or the Chief Justice and the
42 Chief Public Defender, as appropriate. The Joint Committee on
43 Legislative Management or the Chief Justice and the Chief Public
44 Defender, as appropriate, shall submit such reductions to the Governor
45 through the Secretary of the Office of Policy and Management not later
46 than ten days after the proposed reductions become effective.

47 Sec. 2. Section 53a-39c of the general statutes is repealed and the
48 following is substituted in lieu thereof (*Effective from passage*):

49 (a) There is established, within available appropriations, a
50 community service labor program for persons convicted of a first
51 violation of section 21a-267 or 21a-279 who have not previously been
52 convicted of a violation of section 21a-277 or 21a-278. Upon application
53 by any such person for participation in such program the court may
54 grant such application and, upon a plea of guilty without trial where a
55 term of imprisonment is part of a stated plea agreement, suspend any
56 sentence of imprisonment and make participation in such program a
57 condition of probation or conditional discharge in accordance with
58 section 53a-30. No person may be placed in such program who has
59 previously been placed in such program.

60 (b) Any person who enters such program shall pay to the court a
61 participation fee of two hundred five dollars, except that no person
62 may be excluded from such program for inability to pay such fee [,
63 provided (1) such person files with the court an affidavit of indigency
64 or inability to pay, (2) such indigency is confirmed by the Court
65 Support Services Division, and (3) the court enters a finding thereof]
66 and the court shall waive such fee if such person is eligible to have
67 counsel appointed on behalf of such person pursuant to section 51-296
68 because such person is indigent. The court shall not require
69 community service in lieu of such fee, if waived. All program fees
70 collected under this subsection shall be deposited into the alternative
71 incarceration program account.

72 (c) The period of participation in the community service labor
73 program shall be thirty days.

74 Sec. 3. Section 54-56e of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective from passage*):

76 (a) There shall be a pretrial program for accelerated rehabilitation of
77 persons accused of a crime or crimes or a motor vehicle violation or
78 violations for which a sentence to a term of imprisonment may be
79 imposed, which crimes or violations are not of a serious nature. Upon
80 application by any such person for participation in the program, the

81 court shall, but only as to the public, order the court file sealed.

82 (b) The court may, in its discretion, invoke such program on motion
83 of the defendant or on motion of a state's attorney or prosecuting
84 attorney with respect to a defendant (1) who, the court believes, will
85 probably not offend in the future, (2) who has no previous record of
86 conviction of a crime or of a violation of section 14-196, subsection (c)
87 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of
88 subsection (b) of section 14-224, section 14-227a or 14-227m or
89 subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who
90 states under oath, in open court or before any person designated by the
91 clerk and duly authorized to administer oaths, under the penalties of
92 perjury, (A) that the defendant has never had such program invoked
93 on the defendant's behalf or that the defendant was charged with a
94 misdemeanor or a motor vehicle violation for which a term of
95 imprisonment of one year or less may be imposed and ten or more
96 years have passed since the date that any charge or charges for which
97 the program was invoked on the defendant's behalf were dismissed by
98 the court, or (B) with respect to a defendant who is a veteran, that the
99 defendant has not had such program invoked in the defendant's behalf
100 more than once previously, provided the defendant shall agree thereto
101 and provided notice has been given by the defendant, on a form
102 prescribed by the Office of the Chief Court Administrator, to the victim
103 or victims of such crime or motor vehicle violation, if any, by
104 registered or certified mail and such victim or victims have an
105 opportunity to be heard thereon. Any defendant who makes
106 application for participation in such program shall pay to the court an
107 application fee of thirty-five dollars, except as provided in subsection
108 (g) of this section. No defendant shall be allowed to participate in the
109 pretrial program for accelerated rehabilitation more than two times.
110 For the purposes of this section, "veteran" means any person who was
111 discharged or released under conditions other than dishonorable from
112 active service in the armed forces as defined in section 27-103.

113 (c) This section shall not be applicable: (1) To any person charged
114 with (A) a class A felony, (B) a class B felony, except a violation of

115 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does
116 not involve the use, attempted use or threatened use of physical force
117 against another person, or a violation of subdivision (4) of subsection
118 (a) of section 53a-122 that does not involve the use, attempted use or
119 threatened use of physical force against another person and does not
120 involve a violation by a person who is a public official, as defined in
121 section 1-110, or a state or municipal employee, as defined in section 1-
122 110, or (C) a violation of section 14-227a or 14-227m, subdivision (1) or
123 (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a)
124 of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b,
125 53a-71, except as provided in subdivision (5) of this subsection, 53a-
126 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged
127 with a crime or motor vehicle violation who, as a result of the
128 commission of such crime or motor vehicle violation, causes the death
129 of another person, (3) to any person accused of a family violence crime
130 as defined in section 46b-38a who (A) is eligible for the pretrial family
131 violence education program established under section 46b-38c, as
132 amended by this act, or (B) has previously had the pretrial family
133 violence education program invoked in such person's behalf, (4) to any
134 person charged with a violation of section 21a-267 or 21a-279 who (A)
135 is eligible for the pretrial drug education and community service
136 program established under section 54-56i, as amended by this act, or
137 (B) has previously had the pretrial drug education program or the
138 pretrial drug education and community service program invoked on
139 such person's behalf, (5) unless good cause is shown, to (A) any person
140 charged with a class C felony, or (B) any person charged with
141 committing a violation of subdivision (1) of subsection (a) of section
142 53a-71 while such person was less than four years older than the other
143 person, (6) to any person charged with a violation of section 9-359 or 9-
144 359a, (7) to any person charged with a motor vehicle violation (A)
145 while operating a commercial motor vehicle, as defined in section 14-1,
146 or (B) who holds a commercial driver's license or commercial driver's
147 instruction permit at the time of the violation, (8) to any person
148 charged with a violation of subdivision (6) of subsection (a) of section
149 53a-60, or (9) to a health care provider or vendor participating in the

150 state's Medicaid program charged with a violation of section 53a-122
151 or subdivision (4) of subsection (a) of section 53a-123.

152 (d) Except as provided in [subsection (e)] subsections (e) and (g) of
153 this section, any defendant who enters such program shall pay to the
154 court a participation fee of one hundred dollars. Any defendant who
155 enters such program shall agree to the tolling of any statute of
156 limitations with respect to such crime and to a waiver of the right to a
157 speedy trial. Any such defendant shall appear in court and shall, under
158 such conditions as the court shall order, be released to the custody of
159 the Court Support Services Division, except that, if a criminal docket
160 for drug-dependent persons has been established pursuant to section
161 51-181b in the judicial district, such defendant may be transferred,
162 under such conditions as the court shall order, to the court handling
163 such docket for supervision by such court. If the defendant refuses to
164 accept, or, having accepted, violates such conditions, the defendant's
165 case shall be brought to trial. The period of such probation or
166 supervision, or both, shall not exceed two years. If the defendant has
167 reached the age of sixteen years but has not reached the age of eighteen
168 years, the court may order that as a condition of such probation the
169 defendant be referred for services to a youth service bureau
170 established pursuant to section 10-19m, provided the court finds,
171 through an assessment by a youth service bureau or its designee, that
172 the defendant is in need of and likely to benefit from such services.
173 When determining any conditions of probation to order for a person
174 entering such program who was charged with a misdemeanor that did
175 not involve the use, attempted use or threatened use of physical force
176 against another person or a motor vehicle violation, the court shall
177 consider ordering the person to perform community service in the
178 community in which the offense or violation occurred. If the court
179 determines that community service is appropriate, such community
180 service may be implemented by a community court established in
181 accordance with section 51-181c if the offense or violation occurred
182 within the jurisdiction of a community court established by said
183 section. If the defendant is charged with a violation of section 46a-58,

184 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a
185 condition of such probation the defendant participate in a hate crimes
186 diversion program as provided in subsection (e) of this section. If a
187 defendant is charged with a violation of section 53-247, the court may
188 order that as a condition of such probation the defendant undergo
189 psychiatric or psychological counseling or participate in an animal
190 cruelty prevention and education program provided such a program
191 exists and is available to the defendant.

192 (e) If the court orders the defendant to participate in a hate crimes
193 diversion program as a condition of probation, the defendant shall pay
194 to the court a participation fee of four hundred twenty-five dollars. No
195 person may be excluded from such program for inability to pay such
196 fee [, provided (1) such person files with the court an affidavit of
197 indigency or inability to pay, (2) such indigency or inability to pay is
198 confirmed by the Court Support Services Division, and (3) the court
199 enters a finding thereof] and the court shall waive such fee if such
200 person is found eligible to have such fees waived under subsection (g)
201 of this section. The Judicial Department shall contract with service
202 providers, develop standards and oversee appropriate hate crimes
203 diversion programs to meet the requirements of this section. Any
204 defendant whose employment or residence makes it unreasonable to
205 attend a hate crimes diversion program in this state may attend a
206 program in another state which has standards substantially similar to,
207 or higher than, those of this state, subject to the approval of the court
208 and payment of the application and program fees as provided in this
209 section. The hate crimes diversion program shall consist of an
210 educational program and supervised community service.

211 (f) If a defendant released to the custody of the Court Support
212 Services Division satisfactorily completes such defendant's period of
213 probation, such defendant may apply for dismissal of the charges
214 against such defendant and the court, on finding such satisfactory
215 completion, shall dismiss such charges. If the defendant does not apply
216 for dismissal of the charges against such defendant after satisfactorily
217 completing such defendant's period of probation, the court, upon

218 receipt of a report submitted by the Court Support Services Division
219 that the defendant satisfactorily completed such defendant's period of
220 probation, may on its own motion make a finding of such satisfactory
221 completion and dismiss such charges. If a defendant transferred to the
222 court handling the criminal docket for drug-dependent persons
223 satisfactorily completes such defendant's period of supervision, the
224 court shall release the defendant to the custody of the Court Support
225 Services Division under such conditions as the court shall order or
226 shall dismiss such charges. Upon dismissal, all records of such charges
227 shall be erased pursuant to section 54-142a. An order of the court
228 denying a motion to dismiss the charges against a defendant who has
229 completed such defendant's period of probation or supervision or
230 terminating the participation of a defendant in such program shall be a
231 final judgment for purposes of appeal.

232 (g) The court shall waive any application fee under subsection (b) of
233 this section and any participation fee under subsection (d) or (e) of this
234 section for any person who is eligible to have counsel appointed on
235 behalf of such person pursuant to section 51-296 because such person
236 is indigent. The court shall not require community service in lieu of
237 any such fee waived under this subsection.

238 Sec. 4. Section 54-56g of the general statutes is repealed and the
239 following is substituted in lieu thereof (*Effective from passage*):

240 (a) (1) There shall be a pretrial alcohol education program for
241 persons charged with a violation of section 14-227a, 14-227g or 14-
242 227m, subdivision (1) or (2) of subsection (a) of section 14-227n or
243 section 15-133 or 15-140n. Upon application by any such person for
244 participation in such program, ~~[and payment]~~ the court shall, but only
245 as to the public, order the court file sealed, and such person shall pay
246 to the court [of] an application fee of one hundred dollars and a
247 nonrefundable evaluation fee of one hundred dollars, [the court shall,
248 but only as to the public, order the court file sealed, provided such
249 person states] except as provided in subsection (i) of this section, and
250 state under oath, in open court or before any person designated by the

251 clerk and duly authorized to administer oaths, under penalties of
252 perjury that: (A) If such person is charged with a violation of section
253 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of
254 section 14-227n, subsection (d) of section 15-133 or section 15-140n,
255 such person has not had such program invoked in such person's behalf
256 within the preceding ten years for a violation of section 14-227a, 14-
257 227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-
258 227n, subsection (d) of section 15-133 or section 15-140n, (B) such
259 person has not been convicted of a violation of section 53a-56b or 53a-
260 60d, a violation of subsection (a) of section 14-227a before, on or after
261 October 1, 1981, a violation of subdivision (1) or (2) of subsection (a) of
262 section 14-227a on or after October 1, 1985, a violation of section 14-
263 227g, a violation of section 14-227m or a violation of subdivision (1) or
264 (2) of subsection (a) of section 14-227n, (C) such person has not been
265 convicted of a violation of section 15-132a, subsection (d) of section 15-
266 133, section 15-140l or section 15-140n, (D) such person has not been
267 convicted in any other state at any time of an offense the essential
268 elements of which are substantially the same as section 53a-56b, 53a-
269 60d, 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a)
270 of section 14-227a, section 14-227m, subdivision (1) or (2) of subsection
271 (a) of section 14-227n or subsection (d) of section 15-133, and (E) notice
272 has been given by such person, by registered or certified mail on a
273 form prescribed by the Office of the Chief Court Administrator, to each
274 victim who sustained a serious physical injury, as defined in section
275 53a-3, which was caused by such person's alleged violation, that such
276 person has applied to participate in the pretrial alcohol education
277 program and that such victim has an opportunity to be heard by the
278 court on the application.

279 (2) The court shall provide each such victim who sustained a serious
280 physical injury an opportunity to be heard prior to granting an
281 application under this section. Unless good cause is shown, a person
282 shall be ineligible for participation in such pretrial alcohol education
283 program if such person's alleged violation of section 14-227a, 14-227g
284 or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or

285 subsection (d) of section 15-133 caused the serious physical injury, as
286 defined in section 53a-3, of another person.

287 (3) The application fee imposed under this subsection shall be
288 credited to the Criminal Injuries Compensation Fund established
289 under section 54-215. The evaluation fee imposed under this
290 subsection shall be credited to the pretrial account established under
291 section 54-56k.

292 (b) The court, after consideration of the recommendation of the
293 state's attorney, assistant state's attorney or deputy assistant state's
294 attorney in charge of the case, may, in its discretion, grant such
295 application. If the court grants such application, the court shall refer
296 such person to the Court Support Services Division for assessment and
297 confirmation of the eligibility of the applicant and to the Department
298 of Mental Health and Addiction Services for evaluation. The Court
299 Support Services Division, in making its assessment and confirmation,
300 may rely on the representations made by the applicant under oath in
301 open court with respect to convictions in other states of offenses
302 specified in subsection (a) of this section. Upon confirmation of
303 eligibility and receipt of the evaluation report, the defendant shall be
304 referred to the Department of Mental Health and Addiction Services
305 by the Court Support Services Division for placement in an
306 appropriate alcohol intervention program for one year, or be placed in
307 a state-licensed substance abuse treatment program. The alcohol
308 intervention program shall include a ten-session intervention program
309 and a fifteen-session intervention program. Any person who enters the
310 pretrial alcohol education program shall agree: (1) To the tolling of the
311 statute of limitations with respect to such crime, (2) to a waiver of such
312 person's right to a speedy trial, (3) to complete ten or fifteen counseling
313 sessions in an alcohol intervention program or successfully complete a
314 substance abuse treatment program of not less than twelve sessions
315 pursuant to this section dependent upon the evaluation report and the
316 court order, (4) to commence participation in an alcohol intervention
317 program or substance abuse treatment program not later than ninety
318 days after the date of entry of the court order unless granted a delayed

319 entry into a program by the court, (5) upon completion of participation
320 in the alcohol intervention program, to accept placement in a substance
321 abuse treatment program upon the recommendation of a provider
322 under contract with the Department of Mental Health and Addiction
323 Services pursuant to subsection (f) of this section or placement in a
324 state-licensed substance abuse treatment program which meets
325 standards established by the Department of Mental Health and
326 Addiction Services, if the Court Support Services Division deems it
327 appropriate, and (6) if ordered by the court, to participate in at least
328 one victim impact panel. The suspension of the motor vehicle
329 operator's license of any such person pursuant to section 14-227b shall
330 be effective during the period such person is participating in the
331 pretrial alcohol education program, provided such person shall have
332 the option of not commencing the participation in such program until
333 the period of such suspension is completed. If the Court Support
334 Services Division informs the court that the defendant is ineligible for
335 such program and the court makes a determination of ineligibility or if
336 the program provider certifies to the court that the defendant did not
337 successfully complete the assigned program or is no longer amenable
338 to treatment and such person does not request, or the court denies,
339 program reinstatement under subsection (e) of this section, the court
340 shall order the court file to be unsealed, enter a plea of not guilty for
341 such defendant and immediately place the case on the trial list. If such
342 defendant satisfactorily completes the assigned program, such
343 defendant may apply for dismissal of the charges against such
344 defendant and the court, on reviewing the record of the defendant's
345 participation in such program submitted by the Court Support
346 Services Division and on finding such satisfactory completion, shall
347 dismiss the charges. If the defendant does not apply for dismissal of
348 the charges against such defendant after satisfactorily completing the
349 assigned program the court, upon receipt of the record of the
350 defendant's participation in such program submitted by the Court
351 Support Services Division, may on its own motion make a finding of
352 such satisfactory completion and dismiss the charges. Upon motion of
353 the defendant and a showing of good cause, the court may extend the

354 one-year placement period for a reasonable period for the defendant to
355 complete the assigned program. A record of participation in such
356 program shall be retained by the Court Support Services Division for a
357 period of ten years from the date the court grants the application for
358 participation in such program. The Court Support Services Division
359 shall transmit to the Department of Motor Vehicles a record of
360 participation in such program for each person who satisfactorily
361 completes such program. The Department of Motor Vehicles shall
362 maintain for a period of ten years the record of a person's participation
363 in such program as part of such person's driving record. The Court
364 Support Services Division shall transmit to the Department of Energy
365 and Environmental Protection the record of participation of any person
366 who satisfactorily completes such program who has been charged with
367 a violation of the provisions of subsection (d) of section 15-133 or
368 section 15-140n. The Department of Energy and Environmental
369 Protection shall maintain for a period of ten years the record of a
370 person's participation in such program as a part of such person's
371 boater certification record.

372 (c) At the time the court grants the application for participation in
373 the pretrial alcohol education program, such person shall also pay to
374 the court a nonrefundable program fee of three hundred fifty dollars if
375 such person is ordered to participate in the ten-session intervention
376 program and a nonrefundable program fee of five hundred dollars if
377 such person is ordered to participate in the fifteen-session intervention
378 program. If the court grants the application for participation in the
379 pretrial alcohol education program and such person is ordered to
380 participate in a substance abuse treatment program, such person shall
381 be responsible for the costs associated with participation in such
382 program. No person may be excluded from either program for
383 inability to pay such fee or cost, [provided (1) such person files with
384 the court an affidavit of indigency or inability to pay, (2) such
385 indigency or inability to pay is confirmed by the Court Support
386 Services Division, and (3) the court enters a finding thereof] and the
387 court shall waive any such fee or cost if such person is found eligible to

388 have such fee or cost waived under subsection (i) of this section. If the
389 court [finds that a person is indigent or unable to pay for a treatment
390 program, the costs of such program,] waives any such fee or cost for a
391 treatment program, the amount waived shall be paid from the pretrial
392 account established under section 54-56k. [If the court finds that a
393 person is indigent or unable to pay for an intervention program, the
394 court may waive all or any portion of the fee for such intervention
395 program.] If the court denies the application, such person shall not be
396 required to pay the program fee. If the court grants the application and
397 such person is later determined to be ineligible for participation in
398 such pretrial alcohol education program or fails to complete the
399 assigned program, the program fee shall not be refunded. All program
400 fees shall be credited to the pretrial account established under section
401 54-56k.

402 (d) If a person returns to court with certification from a program
403 provider that such person did not successfully complete the assigned
404 program or is no longer amenable to treatment, the provider, to the
405 extent practicable, shall include a recommendation to the court as to
406 whether a ten-session intervention program, a fifteen-session
407 intervention program or placement in a state-licensed substance abuse
408 treatment program would best serve such person's needs. The
409 provider shall also indicate whether the current program referral was
410 an initial referral or a reinstatement to the program.

411 (e) When a person subsequently requests reinstatement into an
412 alcohol intervention program or a substance abuse treatment program
413 and the Court Support Services Division verifies that such person is
414 eligible for reinstatement into such program and thereafter the court
415 favorably acts on such request, such person shall pay a nonrefundable
416 program fee of one hundred seventy-five dollars if ordered to
417 complete a ten-session intervention program or two hundred fifty
418 dollars if ordered to complete a fifteen-session intervention program,
419 as the case may be, [Unless good cause is shown, such fees shall not
420 be waived. If the court grants a person's request to be reinstated into a
421 treatment program, such person shall be responsible for the costs, if

422 any, associated with being reinstated into the treatment program]
423 unless such person is eligible to have such fees waived under
424 subsection (i) of this section. All program fees collected in connection
425 with a reinstatement to an intervention program shall be credited to
426 the pretrial account established under section 54-56k. No person shall
427 be permitted more than two program reinstatements pursuant to this
428 subsection.

429 (f) The Department of Mental Health and Addiction Services shall
430 contract with service providers, develop standards and oversee
431 appropriate alcohol programs to meet the requirements of this section.
432 Said department shall adopt regulations, in accordance with chapter
433 54, to establish standards for such alcohol programs. Any person
434 ordered to participate in a treatment program shall do so at a state-
435 licensed treatment program which meets the standards established by
436 said department. Any defendant whose employment or residence
437 makes it unreasonable to attend an alcohol intervention program or a
438 substance abuse treatment program in this state may attend a program
439 in another state which has standards substantially similar to, or higher
440 than, those of this state, subject to the approval of the court and
441 payment of the application, evaluation and program fees and
442 treatment costs, as appropriate, as provided in this section.

443 (g) The court may, as a condition of granting such application,
444 require that such person participate in a victim impact panel program
445 approved by the Court Support Services Division of the Judicial
446 Department. Such victim impact panel program shall provide a
447 nonconfrontational forum for the victims of alcohol-related or drug-
448 related offenses and offenders to share experiences on the impact of
449 alcohol-related or drug-related incidents in their lives. Such victim
450 impact panel program shall be conducted by a nonprofit organization
451 that advocates on behalf of victims of accidents caused by persons who
452 operated a motor vehicle while under the influence of intoxicating
453 liquor or any drug, or both. Such organization may assess a
454 participation fee of not more than seventy-five dollars on any person
455 required by the court to participate in such program, provided such

456 organization shall offer a [hardship] waiver when [it has determined
457 that the imposition of a fee would pose an economic hardship for such
458 person] such person is eligible to have counsel appointed on behalf of
459 such person pursuant to section 51-296 because such person is
460 indigent.

461 (h) The provisions of this section shall not be applicable in the case
462 of any person charged with a violation of section 14-227a or 14-227m or
463 subdivision (1) or (2) of subsection (a) of section 14-227n (1) while
464 operating a commercial motor vehicle, as defined in section 14-1, or (2)
465 who holds a commercial driver's license or commercial driver's
466 instruction permit at the time of the violation.

467 (i) The court shall waive any fee or cost under subsection (a), (c) or
468 (e) of this section for any person if such person is eligible to have
469 counsel appointed on behalf of such person pursuant to section 51-296
470 because such person is indigent. The court shall not require
471 community service in lieu of any such fee or cost waived under this
472 subsection.

473 Sec. 5. Section 54-56i of the general statutes is repealed and the
474 following is substituted in lieu thereof (*Effective from passage*):

475 (a) There is established a pretrial drug education and community
476 service program for persons charged with a violation of section 21a-
477 267, 21a-279 or 21a-279a. The pretrial drug education and community
478 service program shall include a fifteen-session drug education
479 program and a substance abuse treatment program of not less than
480 fifteen sessions, and the performance of community service.

481 (b) Upon application by any such person for participation in such
482 program, [and payment] the court shall, but only as to the public,
483 order the court file sealed, and such person shall pay to the court of an
484 application fee of one hundred dollars and a nonrefundable evaluation
485 fee of one hundred fifty dollars, [the court shall, but only as to the
486 public, order the court file sealed] except the court shall waive such
487 fees for any such person eligible to have such fees waived under

488 subsection (l) of this section. A person shall be ineligible for
489 participation in such pretrial drug education and community service
490 program if such person has twice previously participated in (1) the
491 pretrial drug education program established under the provisions of
492 this section in effect prior to October 1, 2013, (2) the community service
493 labor program established under section 53a-39c, as amended by this
494 act, (3) the pretrial drug education and community service program
495 established under this section, or (4) any of such programs, except that
496 the court may allow a person who has twice previously participated in
497 such programs to participate in the pretrial drug education and
498 community service program one additional time, for good cause
499 shown. The evaluation and application fee imposed under this
500 subsection shall be credited to the pretrial account established under
501 section 54-56k.

502 (c) The court, after consideration of the recommendation of the
503 state's attorney, assistant state's attorney or deputy assistant state's
504 attorney in charge of the case, may, in its discretion, grant such
505 application. If the court grants such application, the court shall refer
506 such person (1) to the Court Support Services Division for
507 confirmation of the eligibility of the applicant, (2) to the Department of
508 Mental Health and Addiction Services for evaluation and
509 determination of an appropriate drug education or substance abuse
510 treatment program for the first or second time such application is
511 granted, and (3) to a state-licensed substance abuse treatment program
512 for evaluation and determination of an appropriate substance abuse
513 treatment program for the third time such application is granted,
514 except that, if such person is a veteran, the court may refer such person
515 to the Department of Veterans Affairs or the United States Department
516 of Veterans Affairs, as applicable, for any such evaluation and
517 determination. For the purposes of this subsection and subsection (d)
518 of this section, "veteran" means any person who was discharged or
519 released under conditions other than dishonorable from active service
520 in the armed forces as defined in section 27-103.

521 (d) (1) (A) Upon confirmation of eligibility and receipt of the

522 evaluation and determination required under subsection (c) of this
523 section, such person shall be placed in the pretrial drug education and
524 community service program and referred by the Court Support
525 Services Division for the purpose of receiving appropriate drug
526 education services or substance abuse treatment program services, as
527 recommended by the evaluation conducted pursuant to subsection (c)
528 of this section and ordered by the court, to the Department of Mental
529 Health and Addiction Services or to a state-licensed substance abuse
530 treatment program for placement in the appropriate drug education or
531 substance abuse treatment program, except that, if such person is a
532 veteran, the division may refer such person to the Department of
533 Veterans Affairs or the United States Department of Veterans Affairs,
534 subject to the provisions of subdivision (2) of this subsection.

535 (B) Persons who have been granted entry into the pretrial drug
536 education and community service program for the first time shall
537 participate in either a fifteen-session drug education program or a
538 substance abuse treatment program of not less than fifteen sessions, as
539 ordered by the court on the basis of the evaluation and determination
540 required under subsection (c) of this section. Persons who have been
541 granted entry into the pretrial drug education and community service
542 program for the second time shall participate in either a fifteen-session
543 drug education program or a substance abuse treatment program of
544 not less than fifteen sessions, as ordered by the court based on the
545 evaluation and determination required under subsection (c) of this
546 section. Persons who have been granted entry into the pretrial drug
547 education and community service program for a third time shall be
548 referred to a state-licensed substance abuse program for evaluation
549 and participation in a course of treatment as ordered by the court
550 based on the evaluation and determination required under subsection
551 (c) of this section.

552 (C) Persons who have been granted entry into the pretrial drug
553 education and community service program shall also participate in a
554 community service program administered by the Court Support
555 Services Division pursuant to section 53a-39c, as amended by this act.

556 Persons who have been granted entry into the pretrial drug education
557 and community service program for the first time shall participate in
558 the community service program for a period of five days. Persons who
559 have been granted entry into the pretrial drug education and
560 community service program for the second time shall participate in the
561 community service program for a period of fifteen days. Persons who
562 have been granted entry into the pretrial drug education and
563 community service program for a third or additional time shall
564 participate in the community service program for a period of thirty
565 days.

566 (D) Placement in the pretrial drug education and community service
567 program pursuant to this section shall not exceed one year. Persons
568 receiving substance abuse treatment program services in accordance
569 with the provisions of this section shall only receive such services at
570 state-licensed substance abuse treatment program facilities that are in
571 compliance with all state standards governing the operation of such
572 facilities, except that, if such person is a veteran, such person may
573 receive services from facilities under the supervision of the
574 Department of Veterans Affairs or the United States Department of
575 Veterans Affairs, subject to the provisions of subdivision (2) of this
576 subsection.

577 (E) Any person who enters the pretrial drug education and
578 community service program shall agree: (i) To the tolling of the statute
579 of limitations with respect to such crime; (ii) to a waiver of such
580 person's right to a speedy trial; (iii) to complete participation in the
581 pretrial drug education and community service program, as ordered
582 by the court; (iv) to commence participation in the pretrial drug
583 education and community service program not later than ninety days
584 after the date of entry of the court order unless granted a delayed entry
585 into the program by the court; and (v) upon completion of
586 participation in the pretrial drug education and community service
587 program, to accept (I) placement in a treatment program upon the
588 recommendation of a provider under contract with the Department of
589 Mental Health and Addiction Services or a provider under the

590 supervision of the Department of Veterans Affairs or the United States
591 Department of Veterans Affairs, or (II) placement in a treatment
592 program that has standards substantially similar to, or higher than, a
593 program of a provider under contract with the Department of Mental
594 Health and Addiction Services, if the Court Support Services Division
595 deems it appropriate.

596 (2) The Court Support Services Division may only refer a veteran to
597 the Department of Veterans Affairs or the United States Department of
598 Veterans Affairs for the receipt of services under the program if (A) the
599 division determines that such services will be provided in a timely
600 manner under standards substantially similar to, or higher than,
601 standards for services provided by the Department of Mental Health
602 and Addiction Services under the program, and (B) the applicable
603 department agrees to submit timely program participation and
604 completion reports to the division in the manner required by the
605 division.

606 (e) If the Court Support Services Division informs the court that
607 such person is ineligible for the program and the court makes a
608 determination of ineligibility or if the program provider certifies to the
609 court that such person did not successfully complete the assigned
610 program and such person did not request, or the court denied,
611 reinstatement in the program under subsection (i) of this section, the
612 court shall order the court file to be unsealed, enter a plea of not guilty
613 for such person and immediately place the case on the trial list.

614 (f) If such person satisfactorily completes the assigned program,
615 such person may apply for dismissal of the charges against such
616 person and the court, on reviewing the record of such person's
617 participation in such program submitted by the Court Support
618 Services Division and on finding such satisfactory completion, shall
619 dismiss the charges. If such person does not apply for dismissal of the
620 charges against such person after satisfactorily completing the
621 assigned program, the court, upon receipt of the record of such
622 person's participation in such program submitted by the Court

623 Support Services Division, may on its own motion make a finding of
624 such satisfactory completion and dismiss the charges. Upon motion of
625 such person and a showing of good cause, the court may extend the
626 placement period for a reasonable period of time to allow such person
627 to complete the assigned program. A record of participation in such
628 program shall be retained by the Court Support Services Division for a
629 period of ten years from the date the court grants the application for
630 participation in the program.

631 (g) At the time the court grants the application for participation in
632 the pretrial drug education and community service program, any
633 person ordered to participate in such drug education program shall
634 pay to the court a nonrefundable program fee of six hundred dollars. If
635 the court orders participation in a substance abuse treatment program,
636 such person shall pay to the court a nonrefundable program fee of one
637 hundred dollars and shall be responsible for the costs associated with
638 such program. No person may be excluded from any such program for
639 inability to pay such fee or cost, [provided (1) such person files with
640 the court an affidavit of indigency or inability to pay, (2) such
641 indigency or inability to pay is confirmed by the Court Support
642 Services Division, and (3) the court enters a finding thereof. The court
643 may waive all or any portion of such fee depending on such person's
644 ability to pay] and the court shall waive any such fee or cost if such
645 person is found eligible to have such fee or cost waived under
646 subsection (l) of this section. If the court [finds that a person is indigent
647 or unable to pay] waives the costs for a substance abuse treatment
648 program, the costs of such program shall be paid from the pretrial
649 account established under section 54-56k. If the court denies the
650 application, such person shall not be required to pay the program fee.
651 If the court grants the application, and such person is later determined
652 to be ineligible for participation in such pretrial drug education and
653 community service program or fails to complete the assigned program,
654 the program fee shall not be refunded. All program fees shall be
655 credited to the pretrial account established under section 54-56k.

656 (h) If a person returns to court with certification from a program

657 provider that such person did not successfully complete the assigned
658 program or is no longer amenable to treatment, the provider, to the
659 extent practicable, shall include a recommendation to the court as to
660 whether placement in a drug education program or placement in a
661 substance abuse treatment program would best serve such person's
662 needs. The provider shall also indicate whether the current program
663 referral was an initial referral or a reinstatement to the program.

664 (i) When a person subsequently requests reinstatement into a drug
665 education program or a substance abuse treatment program and the
666 Court Support Services Division verifies that such person is eligible for
667 reinstatement into such program and thereafter the court favorably
668 acts on such request, any person reinstated into such drug education
669 program shall pay a nonrefundable program fee of two hundred fifty
670 dollars, and any person reinstated into a substance abuse treatment
671 program shall be responsible for the costs, if any, associated with being
672 reinstated into the treatment program, [Unless good cause is shown,
673 such program fee shall not be waived] unless such person is found
674 eligible to have such fee or costs waived under subsection (l) of this
675 section. All program fees collected in connection with a reinstatement
676 to a drug education program shall be credited to the pretrial account
677 established under section 54-56k. No person shall be permitted more
678 than two program reinstatements pursuant to this subsection.

679 (j) The Department of Mental Health and Addiction Services shall
680 develop standards and oversee appropriate drug education programs
681 that it administers to meet the requirements of this section and may
682 contract with service providers to provide such programs. The
683 department shall adopt regulations, in accordance with chapter 54, to
684 establish standards for such drug education programs.

685 (k) Any person whose employment or residence or schooling makes
686 it unreasonable to attend a drug education program or substance
687 abuse treatment program in this state may attend a program in another
688 state that has standards similar to, or higher than, those of this state,
689 subject to the approval of the court and payment of the program fee or

690 costs as provided in this section.

691 (l) The court shall waive any fee or cost under subsection (b), (g) or
692 (i) of this section for any person who is eligible to have counsel
693 appointed on behalf of such person pursuant to section 51-296 because
694 such person is indigent. The court shall not require community service
695 in lieu of any such fee or cost waived under this subsection.

696 Sec. 6. Section 54-56j of the general statutes is repealed and the
697 following is substituted in lieu thereof (*Effective from passage*):

698 (a) There shall be a school violence prevention program for students
699 of a public or private secondary school charged with an offense
700 involving the use or threatened use of physical violence in or on the
701 real property comprising a public or private elementary or secondary
702 school or at a school-sponsored activity as defined in subsection (h) of
703 section 10-233a. Upon application by any such person for participation
704 in such program, the court shall, but only as to the public, order the
705 court file sealed, [provided] and such person [states] shall state under
706 oath, in open court or before any person designated by the clerk and
707 duly authorized to administer oaths, under penalties of perjury that
708 such person has never had such system invoked in such person's
709 behalf and that such person has not been convicted of an offense
710 involving the threatened use of physical violence in or on the real
711 property comprising a public or private elementary or secondary
712 school or at a school-sponsored activity as defined in subsection (h) of
713 section 10-233a, and that such person has not been convicted in any
714 other state at any time of an offense the essential elements of which are
715 substantially the same as such an offense.

716 (b) The court, after consideration of the recommendation of the
717 state's attorney, assistant state's attorney or deputy assistant state's
718 attorney in charge of the case, may, in its discretion, grant such
719 application. If the court grants such application, it shall refer such
720 person to the Court Support Services Division for assessment and
721 confirmation of the eligibility of the applicant. The Court Support

722 Services Division, in making its assessment and confirmation, may rely
723 on the representations made by the applicant under oath in open court
724 with respect to convictions in other states of offenses specified in
725 subsection (a) of this section. As a condition of eligibility for
726 participation in such program, the student and the parents or guardian
727 of such student shall certify under penalty of false statement that, to
728 the best of such person's knowledge and belief, such person does not
729 possess any firearms, dangerous weapons, controlled substances or
730 other property or materials the possession of which is prohibited by
731 law or in violation of the law. Upon confirmation of eligibility, the
732 defendant shall be referred to the Court Support Services Division for
733 evaluation and placement in an appropriate school violence
734 prevention program for one year.

735 (c) Any person who enters the program shall agree: (1) To the
736 tolling of the statute of limitations with respect to such crime, (2) to a
737 waiver of the right to a speedy trial, (3) to participate in a school
738 violence prevention program offered by a provider under contract
739 with the Court Support Services Division pursuant to subsection (g) of
740 this section, and (4) to successfully complete the assigned program. If
741 the Court Support Services Division informs the court that the
742 defendant is ineligible for the program and the court makes a
743 determination of ineligibility or if the program provider certifies to the
744 court that the defendant did not successfully complete the assigned
745 program, the court shall order the court file to be unsealed, enter a plea
746 of not guilty for such defendant and immediately place the case on the
747 trial list.

748 (d) The Court Support Services Division shall monitor the
749 defendant's participation in the assigned program and the defendant's
750 compliance with the orders of the court including, but not limited to,
751 maintaining contact with the student and officials of the student's
752 school.

753 (e) If such defendant satisfactorily completes the assigned program
754 and one year has elapsed since the defendant was placed in the

755 program, such defendant may apply for dismissal of the charges
756 against such defendant and the court, on reviewing the record of such
757 defendant's participation in such program submitted by the Court
758 Support Services Division and on finding such satisfactory completion,
759 shall dismiss the charges. If the defendant does not apply for dismissal
760 of the charges against the defendant after satisfactorily completing the
761 assigned program and one year has elapsed since the defendant was
762 placed in the program, the court, upon receipt of the record of the
763 defendant's participation in such program submitted by the Court
764 Support Services Division, may on its own motion make a finding of
765 such satisfactory completion and dismiss the charges.

766 (f) The cost of participation in such program shall be paid by the
767 parent or guardian of such student, except that no student shall be
768 excluded from such program for inability to pay such cost [provided
769 (1) the parent or guardian of such student files with the court an
770 affidavit of indigency or inability to pay, and (2) the court enters a
771 finding thereof] and the parent or guardian shall have such cost
772 waived if such parent or guardian is eligible to have counsel appointed
773 on behalf of such parent or guardian pursuant to section 51-296
774 because such parent or guardian is indigent.

775 (g) The Court Support Services Division shall contract with service
776 providers, develop standards and oversee appropriate school violence
777 prevention programs to meet the requirements of this section.

778 (h) The school violence prevention program shall consist of group
779 counseling sessions in anger management and nonviolent conflict
780 resolution.

781 Sec. 7. Subsection (i) of section 46b-38c of the general statutes is
782 repealed and the following is substituted in lieu thereof (*Effective from*
783 *passage*):

784 (i) A nonrefundable application fee of one hundred dollars shall be
785 paid to the court by any person who files a motion pursuant to
786 subdivision (1) of subsection (h) of this section to participate in the

787 pretrial family violence education program, and a fee of three hundred
 788 dollars shall be paid to the court by any person who enters the family
 789 violence education program, except that no person shall be excluded
 790 from such program for inability to pay any such fee [, provided (1) the
 791 person files with the court an affidavit of indigency or inability to pay,
 792 and (2) the court enters a finding thereof] and the person shall have
 793 such fees waived if such person is eligible to have counsel appointed
 794 on behalf of such person pursuant to section 51-296 because such
 795 person is indigent. All such fees shall be credited to the General Fund.

796 Sec. 8. (NEW) (*Effective from passage*) Notwithstanding any provision
 797 of the general statutes, any fee or cost for any program that a person
 798 sentenced to probation by the court for a case on the regular criminal
 799 docket for the Superior Court participates in as part of such sentence,
 800 shall be waived if such person is eligible to have counsel appointed on
 801 behalf of such person pursuant to section 51-296 of the general statutes
 802 because such person is indigent.

803 Sec. 9. (NEW) (*Effective from passage*) Notwithstanding any provision
 804 of the general statutes, any fee or cost for any program that a child
 805 sentenced to probation by the court for a case on the docket for
 806 juvenile matters participates in as part of such sentence, shall be
 807 waived if such child's parent or guardian is eligible to have counsel
 808 appointed on behalf of such parent or guardian pursuant to section 51-
 809 296 of the general statutes because such parent or guardian is indigent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4-85(e)
Sec. 2	<i>from passage</i>	53a-39c
Sec. 3	<i>from passage</i>	54-56e
Sec. 4	<i>from passage</i>	54-56g
Sec. 5	<i>from passage</i>	54-56i
Sec. 6	<i>from passage</i>	54-56j
Sec. 7	<i>from passage</i>	46b-38c(i)
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Statement of Purpose:

To protect funding for the constitutional right to counsel for indigent persons and to provide confidentiality upon application to a diversionary program and a waiver of fees for indigent persons.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]