



General Assembly

February Session, 2000

**Amendment**

LCO No. 5110

Offered by:

REP. CAFERO, 142<sup>nd</sup> Dist.

REP. DOYLE, 28<sup>th</sup> Dist.

REP. TULISANO, 29<sup>th</sup> Dist.

REP. FARR, 19<sup>th</sup> Dist.

To: Subst. House Bill No. 5904

File No. 450

Cal. No. 358

***"An Act Concerning Electronic Monitoring Of Drunken Drivers And Other Probationers With A History Of Alcohol Abuse And Requiring Notification When The Functioning Of Electronic Monitoring Equipment Is Interrupted."***

1 In line 9, strike "having a history of alcohol abuse" and insert in lieu  
2 thereof "an alcohol-dependent person, as defined in subdivision (1) of  
3 section 17a-680 of the general statutes,"

4 In line 99, after the period insert "The provisions of subparagraph  
5 (B)(ii) of subdivision (2) of this subsection shall be available as an  
6 alternative disposition for any person convicted of a second violation  
7 of subsection (a) of this section, which violation was committed on or  
8 after October 1, 1999."

9 After line 110, add the following:

10 "Sec. 4. Subsection (a) of section 54-56g of the general statutes, as

11 amended by section 3 of public act 99-255, is repealed and the  
12 following is substituted in lieu thereof:

13 (a) There shall be a pretrial alcohol education system for persons  
14 charged with a violation of section 14-227a or section 14-227g, as  
15 amended. Upon application by any such person for participation in  
16 such system and payment to the court of an application fee of fifty  
17 dollars, the court shall, but only as to the public, order the court file  
18 sealed, provided such person states under oath, in open court or before  
19 any person designated by the clerk and duly authorized to administer  
20 oaths, under penalties of perjury that: (1) If such person is charged  
21 with a violation of section 14-227a, such person has never had such  
22 system invoked in such person's behalf [and that] for a violation of  
23 section 14-227a, (2) if such person is charged with a violation of section  
24 14-227g, as amended, such person has never had such system invoked  
25 in such person's behalf for a violation of section 14-227a or 14-227g, as  
26 amended, (3) such person has not been convicted of a violation of  
27 section 53a-56b or 53a-60d, a violation of subsection (a) of section  
28 14-227a before or after October 1, 1981, or a violation of subdivision (1)  
29 or (2) of subsection (a) of section 14-227a on or after October 1, 1985,  
30 and [that] (4) such person has not been convicted in any other state at  
31 any time of an offense the essential elements of which are substantially  
32 the same as section 53a-56b or 53a-60d or subdivision (1) or (2) of  
33 subsection (a) of section 14-227a. Unless good cause is shown, a person  
34 shall be ineligible for participation in such pretrial alcohol education  
35 system if such person's alleged violation of section 14-227a or 14-227g,  
36 as amended, caused the serious physical injury, as defined in section  
37 53a-3, of another person. The fee imposed by this subsection shall be  
38 credited to the Criminal Injuries Compensation Fund established by  
39 section 54-215.

40 Sec. 5. Subsection (j) of section 14-227a of the general statutes, as  
41 amended by section 1 of public act 99-255, is repealed and the  
42 following is substituted in lieu thereof:

43 (j) (1) Each court shall report each conviction under subsection (a) of

44 this section to the Commissioner of Motor Vehicles, in accordance with  
45 the provisions of section 14-141. The commissioner shall suspend the  
46 motor vehicle operator's license or nonresident operating privilege of  
47 the person reported as convicted for the period of time required by  
48 subsection (h) of this section. (2) The motor vehicle operator's license  
49 or nonresident operating privilege of a person found guilty under  
50 subsection (a) of this section who is under eighteen years of age shall  
51 be suspended by the commissioner for the period of time set forth in  
52 subsection (h) of this section, or until such person attains the age of  
53 eighteen years, whichever period is longer. (3) The motor vehicle  
54 operator's license or nonresident operating privilege of a person found  
55 guilty under subsection (a) of this section who, at the time of the  
56 offense, was operating a motor vehicle in accordance with a special  
57 operator's permit issued pursuant to section 14-37a shall be suspended  
58 by the commissioner for twice the period of time set forth in subsection  
59 (h) of this section. (4) [Whenever the motor vehicle operator's license of  
60 a person is suspended under subsection (h) of this section for  
61 conviction of a violation of subsection (a) of this section, the operator's  
62 license that is returned or reissued to such person by the  
63 Commissioner of Motor Vehicles upon completion of the period of  
64 suspension shall indicate on its reverse side that such person is an at-  
65 risk operator. For purposes of this subdivision, an "at-risk operator" is  
66 a person who has been convicted of a violation of subsection (a) of this  
67 section. (5)] If an appeal of any conviction under subsection (a) of this  
68 section is taken, the suspension of the motor vehicle operator's license  
69 or nonresident operating privilege by the commissioner, in accordance  
70 with this subsection, shall be stayed during the pendency of such  
71 appeal.

72 Sec. 6. Subsection (l) of section 14-227a of the general statutes, as  
73 amended by section 3 of public act 99-218 and section 1 of public act  
74 99-255, is repealed and the following is substituted in lieu thereof:

75 (l) Notwithstanding the provisions of subsection (c) of this section,  
76 evidence respecting the amount of alcohol or drug in the blood or  
77 urine of an operator of a motor vehicle involved in an accident who

78 has suffered or allegedly suffered physical injury in such accident,  
79 which evidence is derived from a chemical analysis of a blood sample  
80 taken from or a urine sample provided by such person after such  
81 accident at the scene of the accident, while en route to a hospital or at a  
82 hospital, shall be competent evidence to establish probable cause for  
83 the arrest by warrant of such person for a violation of subsection (a) of  
84 this section and shall be admissible and competent in any subsequent  
85 prosecution thereof if: (1) The blood sample was taken or the urine  
86 sample was provided for the diagnosis and treatment of such injury;  
87 (2) if a blood sample was taken, the blood sample was taken [in  
88 accordance with the regulations adopted under subsection (e) of this  
89 section] by a person licensed to practice medicine in this state, a  
90 resident physician or intern in any hospital in this state, a  
91 phlebotomist, a qualified laboratory technician, an emergency medical  
92 technician II or a registered nurse; (3) a police officer has demonstrated  
93 to the satisfaction of a judge of the Superior Court that such officer has  
94 reason to believe that such person was operating a motor vehicle while  
95 under the influence of intoxicating liquor or drug or both and that the  
96 chemical analysis of such blood or urine sample constitutes evidence  
97 of the commission of the offense of operating a motor vehicle while  
98 under the influence of intoxicating liquor or drug or both in violation  
99 of subsection (a) of this section; and (4) such judge has issued a search  
100 warrant in accordance with section 54-33a authorizing the seizure of  
101 the chemical analysis of such blood or urine sample. Such search  
102 warrant may also authorize the seizure of the medical records  
103 prepared by the hospital in connection with the diagnosis [of] or  
104 treatment of such injury.

105 Sec. 7. This act shall take effect from its passage, except that sections  
106 1 to 3, inclusive, shall take effect October 1, 2000."