



General Assembly

Substitute Bill No. 1255

January Session, 2001

**AN ACT CONCERNING THE MONITORING OF FEMALE PRISONERS
AND PRISON OVERCROWDING.**

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

1 Section 1. Section 7-286 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) In each city of this state having a population of twenty thousand
4 or more, as shown by the last-preceding United States census, the
5 board of police commissioners or police committee shall appoint a
6 police matron, whose duty it shall be to take charge of all women
7 arrested and held by the police of the city.

8 (b) Notwithstanding the provisions of subsection (a) of this section,
9 the board of police commissioners or police committee in each city
10 subject to the provisions of this section may use electronic surveillance
11 or other methods that ensure the care and control of women arrested
12 and held by the police of the city.

13 Sec. 2. Section 7-287 of the general statutes is repealed and the
14 following is substituted in lieu thereof:

15 The board of police commissioners or the police committee in each
16 such city shall assign a certain part of the central police station of the
17 city for female prisoners, which part shall be under the care and
18 control of the police matron, or be monitored by electronic equipment,

19 subject to the orders of the chief of police. There shall also be provided
20 by each such city a convenient private room for the use of the police
21 matron, either within the station or in its neighborhood.

22 Sec. 3. Not later than January 1, 2002, the Commissioner of
23 Correction shall submit a report to the General Assembly concerning
24 the feasibility and cost of reopening the Hartell DWI Correctional
25 Institution, Windsor Locks, the Eddy DWI Correctional Institution,
26 Middletown, and the Western Substance Abuse Treatment
27 Correctional Institution, Newtown, or similar facilities in other towns
28 in the state, the number of inmates who could be incarcerated in such
29 facilities and the cost per inmate.

30 Sec. 4. (NEW) Prior to the arraignment of a person charged with the
31 commission of a misdemeanor, the Department of Mental Health and
32 Addiction Services shall, within available appropriations and with the
33 consent of the arrested person, cause a clinical assessment to be
34 performed of any person who has previously received mental health
35 services from the department or who would reasonably benefit from
36 such services to determine whether such person should be referred for
37 community-based mental health services. If the person is determined
38 to be in need of such services and is willing to accept the services
39 offered, the court shall be informed of the result of the assessment and
40 the recommended treatment plan for consideration by the court in the
41 disposition of the criminal case.

42 Sec. 5. (NEW) Notwithstanding any provision of the general
43 statutes, when sentencing a person convicted of an offense for which
44 there is a mandatory minimum sentence, which did not involve the
45 use, attempted use or threatened use of physical force against another
46 person or result in the physical injury or serious physical injury of
47 another person, and in the commission of which such person neither
48 was armed with nor threatened the use of or displayed or represented
49 by word or conduct that such person possessed any firearm, deadly
50 weapon or dangerous instrument, as those terms are defined in section
51 53a-3 of the general statutes, the court may, upon a showing of good

52 cause by the defendant, depart from the prescribed mandatory
53 minimum sentence, provided the court, at the time of sentencing,
54 states in open court the reasons for imposing the particular sentence
55 and the specific reason for imposing a sentence that departs from the
56 prescribed mandatory minimum sentence.

57 Sec. 6. (NEW) For the purposes of sections 6 to 8, inclusive, of this
58 act:

59 (1) "Nonviolent drug possession offense" means an offense wherein
60 a person possesses controlled substances for personal use and not with
61 intent to sell or dispense, which possession is not authorized by
62 chapter 420b of the general statutes, and which offense did not involve
63 the use, attempted use or threatened use of physical force against
64 another person and in the commission of which such person neither
65 was armed with nor threatened the use of or displayed or represented
66 by word or conduct that such person possessed any firearm, deadly
67 weapon or dangerous instrument, as those terms are defined in section
68 53a-3 of the general statutes.

69 (2) "Drug treatment program" means a licensed or certified
70 community drug treatment program that may include one or more of
71 the following: Outpatient treatment, halfway house treatment, narcotic
72 replacement therapy, drug education or prevention courses and
73 limited inpatient or residential drug treatment as needed to address
74 special detoxification or relapse situations or severe dependence.

75 (3) "Successful completion of treatment" means that a person who
76 has had participation in a drug treatment program imposed as a
77 condition of probation under this section has completed the prescribed
78 course of drug treatment and, as a result, there is reasonable cause to
79 believe that such person will not abuse controlled substances in the
80 future.

81 Sec. 7. (NEW) (a) Notwithstanding any provision of the general
82 statutes, and except as provided in subsection (c) of this section, there
83 shall be a presumption that any person convicted of a nonviolent drug

84 possession offense shall be sentenced to a term of imprisonment, with
85 the execution of such sentence of imprisonment suspended entirely,
86 and to a period of probation.

87 (b) As a condition of such probation, the court shall require
88 participation in and completion of an appropriate drug treatment
89 program. In addition to any term or condition of probation that may be
90 ordered pursuant to section 53a-31 of the general statutes, the court
91 may also order, as a condition of such probation, that such person
92 participate in vocational training, family counseling, literacy training
93 or community service. The court may require any person who is
94 reasonably able to do so to contribute to the cost of their participation
95 in such drug treatment program.

96 (c) This section shall not be applicable to any person who: (1) Has
97 been convicted within the previous five years of a felony or
98 misdemeanor involving in the use, attempted use or threatened use of
99 physical force against another person; (2) in addition to the conviction
100 of the nonviolent drug possession offense, has been convicted in the
101 same proceeding of any felony or of a misdemeanor not related to the
102 use of drugs; (3) refuses participation in a drug treatment program as a
103 condition of probation; and (4) has two separate convictions for
104 nonviolent drug possession offenses, has participated in two separate
105 courses of drug treatment pursuant to this section and is found by the
106 court, by clear and convincing evidence, to be unamenable to any and
107 all forms of available drug treatment.

108 (d) Within seven days of an order imposing probation under this
109 section, the Office of Adult Probation shall notify the drug treatment
110 provider designated to provide drug treatment under this section. Not
111 later than thirty days after receiving such notice, the treatment
112 provider shall prepare a treatment plan and forward it to the Office of
113 Adult Probation. After the person begins the drug treatment program,
114 the treatment provider shall prepare and forward a progress report to
115 the Office of Adult Probation on a quarterly basis.

116 (e) If, during the course of drug treatment, the treatment provider
117 notifies the Office of Adult Probation that the defendant is unamenable
118 to the drug treatment being provided, but may be amenable to other
119 drug treatments or related programs, the Office of Adult Probation
120 may move the court to modify the terms of probation to ensure that
121 the person receives the alternative drug treatment or program.

122 (f) If, during the course of drug treatment, the treatment provider
123 notifies the Office of Adult Probation that the defendant is unamenable
124 to the drug treatment being provided and all other forms of drug
125 treatment, the Office of Adult Probation may move for the revocation
126 of such person's probation. At the probation revocation hearing, unless
127 the person proves by a preponderance of the evidence that there is a
128 drug treatment program to which such person is amenable, the court
129 may revoke such person's probation.

130 (g) Drug treatment services provided as a condition of probation
131 under this section shall not exceed a period of twelve months, except
132 that additional aftercare services as a condition of probation may be
133 required for not more than six months.

134 Sec. 8. (NEW) (a) If a person sentenced to a period of probation in
135 accordance with section 7 of this act violates that probation by (1)
136 being arrested for an offense other than a nonviolent drug possession
137 offense, or (2) violating a non-drug-related condition of probation, the
138 state may move to revoke such probation. If the state moves to revoke
139 probation, the court shall conduct a hearing to determine whether
140 probation should be revoked. If the alleged violation of probation is
141 proved, the court may modify or revoke such probation.

142 (b) If a person sentenced to a period of probation in accordance with
143 section 7 of this act violates that probation by (1) being arrested for a
144 nonviolent drug possession offense, or (2) violating a drug-related
145 condition of probation, the state may move to revoke such probation. If
146 the state moves to revoke probation, the court shall conduct a hearing
147 to determine whether probation should be revoked. If the alleged

148 violation of probation is proved and the state proves by a
149 preponderance of the evidence that such person poses a danger to the
150 safety of other persons, the court shall revoke such probation. If the
151 court does not revoke probation, it may intensify or alter the drug
152 treatment plan.

153 (c) If a person on probation on the effective date of this act for a
154 nonviolent drug possession offense violates that probation by (1) being
155 arrested for a nonviolent drug possession offense, or (2) violating a
156 drug-related condition of probation, the state may move to revoke
157 probation. If the state moves to revoke probation, the court shall
158 conduct a hearing to determine if probation should be revoked. If the
159 alleged violation of probation is proved and the state proves by a
160 preponderance of the evidence that such person poses a danger to the
161 safety of other persons, the court shall revoke such probation. If the
162 court does not revoke probation, it may modify the probation and
163 order participation in a drug treatment program as an additional
164 condition of probation.

165 Sec. 9. This act shall take effect July 1, 2001.

PS

JOINT FAVORABLE SUBST. C/R

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