



**AN ACT CONCERNING PRISON OVERCROWDING.**

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

1 Section 1. (NEW) For the purposes of sections 1 to 6, inclusive, of  
2 this act:

3 (1) "Nonviolent drug possession offense" means an offense wherein  
4 a person possesses controlled substances for personal use and not with  
5 intent to sell or dispense, which possession is not authorized by  
6 chapter 420b of the general statutes, and which offense did not involve  
7 the use, attempted use or threatened use of physical force against  
8 another person and in the commission of which such person neither  
9 was armed with nor threatened the use of or displayed or represented  
10 by word or conduct that such person possessed any firearm, deadly  
11 weapon or dangerous instrument, as those terms are defined in section  
12 53a-3 of the general statutes.

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

19 (3) "Successful completion of a drug treatment program" means that

20 a person who has had participation in a drug treatment program  
21 imposed as a condition of probation under section 2 of this act has  
22 completed the prescribed course of drug treatment and, as a result,  
23 there is reasonable cause to believe that such person will not abuse  
24 controlled substances in the future.

25 Sec. 2. (NEW) (a) Notwithstanding any provision of the general  
26 statutes, and except as provided in subsection (c) of this section, there  
27 shall be a presumption that any person convicted of a nonviolent drug  
28 possession offense on and after the effective date of this act shall be  
29 sentenced to a term of imprisonment, with the execution of such  
30 sentence of imprisonment suspended entirely, and to a period of  
31 probation.

32 (b) As a condition of such probation, the court shall require  
33 participation in and successful completion of an appropriate drug  
34 treatment program. In addition to any term or condition of probation  
35 that may be ordered pursuant to section 53a-31 of the general statutes,  
36 the court may also order, as a condition of such probation, that such  
37 person participate in vocational training, family counseling, literacy  
38 training or community service. The court may require any person who  
39 is reasonably able to do so to contribute to the cost of their  
40 participation in such drug treatment program.

41 (c) This section shall not be applicable to any person who: (1) Has  
42 been convicted within the previous five years of a felony or  
43 misdemeanor involving the use, attempted use or threatened use of  
44 physical force against another person; (2) in addition to the conviction  
45 of the nonviolent drug possession offense, has been convicted in the  
46 same proceeding of any felony or of a misdemeanor not related to the  
47 use of drugs; (3) has, at separate times prior to the commission of the  
48 present nonviolent drug possession offense, been twice convicted of a  
49 nonviolent drug possession offense, has participated in two separate  
50 courses of drug treatment pursuant to this section and is found by the  
51 court, by clear and convincing evidence, to be unamenable to any and  
52 all forms of available drug treatment; or (4) refuses participation in a

53 drug treatment program as a condition of probation.

54 (d) Within seven days of an order imposing probation under this  
55 section, the Office of Adult Probation shall notify the drug treatment  
56 provider designated to provide drug treatment under this section. Not  
57 later than thirty days after receiving such notice, the treatment  
58 provider shall prepare a treatment plan and forward it to the Office of  
59 Adult Probation. After the person begins the drug treatment program,  
60 the treatment provider shall prepare and forward a progress report to  
61 the Office of Adult Probation on a quarterly basis.

62 (e) If, during the course of drug treatment, the treatment provider  
63 notifies the Office of Adult Probation that the defendant is unamenable  
64 to the drug treatment being provided, but may be amenable to other  
65 drug treatments or related programs, the Office of Adult Probation  
66 may move the court to modify the terms of probation to ensure that  
67 the person receives the alternative drug treatment or program.

68 (f) If, during the course of drug treatment, the treatment provider  
69 notifies the Office of Adult Probation that the defendant is unamenable  
70 to the drug treatment being provided and all other forms of drug  
71 treatment, the Office of Adult Probation may move for the revocation  
72 of such person's probation. At the probation revocation hearing, unless  
73 the person proves by a preponderance of the evidence that there is a  
74 drug treatment program to which such person is amenable, the court  
75 may revoke such person's probation.

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

80 (h) If such person successfully completes such person's drug  
81 treatment program and period of probation, such person may apply  
82 for dismissal of the charges against such person and the court, on  
83 finding such successful completion, shall dismiss such charges. If the  
84 person does not apply for dismissal of the charges against such person

85 after successfully completing such person's drug treatment program  
86 and period of probation, the court, upon receipt of a report submitted  
87 by the Office of Adult Probation that the person successfully  
88 completed such person's drug treatment program and period of  
89 probation, may on its own motion make a finding of such successful  
90 completion and dismiss such charges. Upon dismissal, all records of  
91 such charges shall be erased pursuant to section 54-142a of the general  
92 statutes. An order of the court denying a motion to dismiss the charges  
93 against a person who has completed such person's drug treatment  
94 program and period of probation shall be a final judgment for  
95 purposes of appeal.

96       Sec. 3. (NEW) (a) If a person sentenced to a period of probation in  
97 accordance with section 2 of this act violates that probation by (1)  
98 being arrested for an offense other than a nonviolent drug possession  
99 offense, or (2) violating a non-drug-related condition of probation, the  
100 state may proceed as provided in section 53a-32 of the general statutes  
101 with respect to such alleged violation.

102       (b) If a person sentenced to a period of probation in accordance with  
103 section 2 of this act violates that probation by (1) being arrested for a  
104 nonviolent drug possession offense, or (2) violating a drug-related  
105 condition of probation, the state may proceed as provided in section  
106 53a-32 of the general statutes with respect to such alleged violation.  
107 Notwithstanding the provisions of subsection (b) of section 53a-32 of  
108 the general statutes and except as provided in subsections (c) and (d)  
109 of this section, the court shall not revoke such probation unless the  
110 state proves by a preponderance of the evidence that such person  
111 violated a condition of probation and poses a danger to the safety of  
112 other persons.

113       (c) If a person sentenced to a period of probation in accordance with  
114 section 2 of this act violates that probation for a second time by (1)  
115 being arrested for a nonviolent drug possession offense, or (2)  
116 violating a drug-related condition of probation, the state may proceed  
117 as provided in section 53a-32 of the general statutes with respect to

118 such alleged violation. Notwithstanding the provisions of subsection  
119 (b) of section 53a-32 of the general statutes, the court shall not revoke  
120 such probation unless the state proves by a preponderance of the  
121 evidence that such person violated a condition of probation and that  
122 such person poses a danger to the safety of other persons or is  
123 unamenable to drug treatment. In determining whether such person is  
124 unamenable to drug treatment, the court may consider, to the extent  
125 relevant, whether such person (A) has committed a serious violation of  
126 rules at the drug treatment program, (B) has repeatedly committed  
127 violations of program rules that inhibit such person's ability to  
128 function in the program, or (C) has continually refused to participate  
129 in the program or asked to be removed from the program.

130 (d) If a person sentenced to a period of probation in accordance with  
131 section 2 of this act violates that probation for a third time by (1) being  
132 arrested for a nonviolent drug possession offense, or (2) violating a  
133 drug-related condition of probation, the state may proceed as provided  
134 in section 53a-32 of the general statutes with respect to such alleged  
135 violation.

136 Sec. 4. (NEW) (a) If a person on probation on the effective date of  
137 this act for a nonviolent drug possession offense violates that  
138 probation by (1) being arrested for an offense other than a nonviolent  
139 drug possession offense, or (2) violating a non-drug-related condition  
140 of probation, the state may proceed as provided in section 53a-32 of the  
141 general statutes with respect to such alleged violation.

142 (b) If a person on probation on the effective date of this act for a  
143 nonviolent drug possession offense violates that probation by (1) being  
144 arrested for a nonviolent drug possession offense, or (2) violating a  
145 drug-related condition of probation, the state may proceed as provided  
146 in section 53a-32 of the general statutes with respect to such alleged  
147 violation. Notwithstanding the provisions of subsection (b) of section  
148 53a-32 of the general statutes, the court shall not revoke such probation  
149 unless the state proves by a preponderance of the evidence that such  
150 person violated a condition of probation and poses a danger to the

151 safety of other persons. If the court modifies or enlarges the conditions  
152 of probation, it may require participation in and successful completion  
153 of a drug treatment program as provided in section 2 of this act as a  
154 condition of probation.

155 (c) If a person on probation on the effective date of this act for a  
156 nonviolent drug possession offense violates that probation for a second  
157 time by (1) being arrested for a nonviolent drug possession offense, or  
158 (2) violating a drug-related condition of probation, the state may  
159 proceed as provided in section 53a-32 of the general statutes with  
160 respect to such alleged violation. Notwithstanding the provisions of  
161 subsection (b) of section 53a-32 of the general statutes, the court shall  
162 not revoke such probation unless the state proves by a preponderance  
163 of the evidence that such person violated a condition of probation and  
164 poses a danger to the safety of other persons or is unamenable to drug  
165 treatment. In determining whether such person is unamenable to drug  
166 treatment, the court may consider, to the extent relevant, whether such  
167 person (A) has committed a serious violation of rules at the drug  
168 treatment program, (B) has repeatedly committed violations of  
169 program rules that inhibit such person's ability to function in the  
170 program, or (C) has continually refused to participate in the program  
171 or asked to be removed from the program. If the court modifies or  
172 enlarges the conditions of probation, it may impose participation in a  
173 drug treatment program as provided in section 2 of this act as a  
174 condition of probation.

175 (d) If a person on probation on the effective date of this act for a  
176 nonviolent drug possession offense violates that probation for a third  
177 time by (1) being arrested for a nonviolent drug possession offense, or  
178 (2) violating a drug-related condition of probation, the state may  
179 proceed as provided in section 53a-32 of the general statutes with  
180 respect to such alleged violation.

181 Sec. 5. (NEW) (a) Notwithstanding any provision of the general  
182 statutes, and except as provided in subsection (b) of this section and  
183 subsections (b) and (c) of section 6 of this act, the Board of Parole shall

184 not revoke the parole of any person who is arrested for the commission  
185 of a nonviolent drug possession offense or who violates a drug-related  
186 condition of parole. The Board of Parole shall impose as a condition of  
187 parole for any such person that such person participate in and  
188 successfully complete an appropriate drug treatment program. The  
189 board may also impose, as a condition of such parole, that such person  
190 participate in vocational training, family counseling, literacy training  
191 or community service. The board may require any person who is  
192 reasonably able to do so to contribute to the cost of their participation  
193 in such drug treatment program.

194 (b) The provisions of subsection (a) of this section shall not apply to:  
195 (1) Any parolee who has been convicted within the previous five years  
196 of a felony or misdemeanor involving the use, attempted use or  
197 threatened use of physical force against another person; (2) any parolee  
198 who, concurrently with an arrest for the commission of a nonviolent  
199 drug possession offense or with a violation of any drug-related  
200 condition of parole, is arrested for a felony or a misdemeanor not  
201 related to the use of drugs; or (3) any parolee who refuses drug  
202 treatment as a condition of parole.

203 (c) Within seven days of finding that a parolee has committed a  
204 nonviolent drug possession offense or violated any drug-related  
205 condition of parole, the Board of Parole shall notify the drug treatment  
206 provider designated to provide drug treatment under this section. Not  
207 later than thirty days after receiving such notice, the treatment  
208 provider shall prepare a treatment plan and forward it to the Board of  
209 Parole. After the person begins the drug treatment program, the  
210 treatment provider shall prepare and forward a progress report to the  
211 Board of Parole on a quarterly basis.

212 (d) If, during the course of drug treatment, the treatment provider  
213 notifies the Board of Parole that the parolee is unamenable to the drug  
214 treatment being provided, but may be amenable to other drug  
215 treatments or related programs, the board may act to modify the terms  
216 of parole to ensure that the person receives the alternative drug

217 treatment or program.

218 (e) If, during the course of drug treatment, the treatment provider  
219 notifies the Board of Parole that the parolee is unamenable to the drug  
220 treatment being provided and all other forms of drug treatment, the  
221 board may act to revoke such person's parole. At the parole revocation  
222 hearing, unless the parolee proves by a preponderance of the evidence  
223 that there is a drug treatment program to which such parolee is  
224 amenable, the board may revoke such person's parole.

225 (f) Drug treatment services provided as a condition of parole under  
226 this section shall not exceed a period of twelve months, except that  
227 additional aftercare services as a condition of parole may be required  
228 for not more than six months.

229 Sec. 6. (NEW) (a) If a person for whom participation in a drug  
230 treatment program is imposed as a condition of parole pursuant to  
231 subsection (a) of section 5 of this act violates that parole by (1) being  
232 arrested for an offense other than a nonviolent drug possession  
233 offense, or (2) violating a non-drug-related condition of parole, and the  
234 Board of Parole acts to revoke parole, a hearing shall be conducted to  
235 determine whether parole should be revoked. If the alleged violation  
236 of parole is proved, the board may modify or revoke such parole.

237 (b) If a person for whom participation in a drug treatment program  
238 is imposed as a condition of parole pursuant to subsection (a) of  
239 section 5 of this act violates that parole by (1) being arrested for a  
240 nonviolent drug possession offense, or (2) violating a drug-related  
241 condition of parole, and the Board of Parole acts to revoke parole, a  
242 hearing shall be conducted to determine whether parole should be  
243 revoked. The Board of Parole shall not revoke such parole unless the  
244 state proves by a preponderance of the evidence that such person  
245 violated a condition of parole and that such person poses a danger to  
246 the safety of other persons. If the board does not revoke parole, it may  
247 intensify the conditions of parole to achieve the goals of drug  
248 treatment.

249 (c) If a person for whom participation in a drug treatment program  
250 is imposed as a condition of parole pursuant to subsection (a) of  
251 section 5 of this act violates that parole for a second time by (1) being  
252 arrested for a nonviolent drug possession offense, or (2) violating a  
253 drug-related condition of parole, and the Board of Parole acts to  
254 revoke parole, a hearing shall be conducted to determine whether  
255 parole should be revoked. If the state proves by a preponderance of the  
256 evidence that such person violated a condition of parole, the board  
257 may modify or revoke such parole and such person shall not be  
258 eligible thereafter for release on parole pursuant to the provisions of  
259 subsection (a) of section 5 of this act.

260 Sec. 7. (NEW) The court, on its own motion or on motion of the  
261 state's attorney or a person charged with a crime or convicted of a  
262 crime but not yet sentenced, may order, if the interests of justice will be  
263 served, that such person be examined, pursuant to the provisions of  
264 section 8 of this act, to determine if the person is a person with  
265 psychiatric disabilities and eligible for treatment under section 10 or 13  
266 of this act. A probation officer may order that such an examination be  
267 conducted as part of a presentence investigation conducted pursuant  
268 to the provisions of section 54-91a of the general statutes.

269 Sec. 8. (NEW) (a) The Commissioner of Mental Health and  
270 Addiction Services or the commissioner's designee shall appoint one or  
271 more clinical examiners to conduct examinations for psychiatric  
272 disabilities ordered pursuant to the provisions of section 7 of this act.  
273 Each examiner shall be authorized by the department to conduct  
274 independent evaluations.

275 (b) The examiner shall determine whether the person being  
276 examined was a person with psychiatric disabilities at the time of the  
277 crime. If such person is determined to have been a person with  
278 psychiatric disabilities, the examiner shall further determine (1) the  
279 history and pattern of the disability, and (2) whether the person  
280 presently needs and is likely to benefit from treatment for the  
281 psychiatric disability.

282 (c) The examiner shall prepare and sign, without notarization, a  
283 written examination report and deliver it to the court, the Court  
284 Support Services Division, the state's attorney and defense counsel no  
285 later than thirty days after the examination was ordered. An  
286 examination report ordered pursuant to section 7 of this act shall  
287 otherwise be confidential and not open to public inspection or subject  
288 to disclosure.

289 (d) No statement made by the person in the course of an  
290 examination under the provisions of this section may be admitted in  
291 evidence on the issue of guilt in a criminal proceeding concerning the  
292 person.

293 Sec. 9. (NEW) After receipt by the court of the examination report,  
294 the accused person may make a motion for suspension of prosecution  
295 and an order of treatment for psychiatric disabilities pursuant to the  
296 provisions of section 10 of this act. Unless the opportunity for a  
297 hearing is waived by both the accused person and the state's attorney,  
298 the court shall hear the motion. The clinical examiner shall not be  
299 required to be present to testify on the report unless the presence of the  
300 clinical examiner is requested by the court, the accused person or the  
301 state's attorney.

302 Sec. 10. (NEW) (a) The provisions of this section shall not apply to  
303 any person charged with a violation of section 53a-54a, 53a-54b, 53a-  
304 54c or 53a-54d of the general statutes.

305 (b) The court may order suspension of prosecution and order such  
306 person be referred to the Court Support Services Division for  
307 placement in an alternative incarceration center as provided in section  
308 16 of this act for treatment of such person's psychiatric disabilities if it,  
309 after considering information before it concerning the psychiatric  
310 disabilities of the person, including the examination report made  
311 pursuant to the provisions of section 8 of this act, finds that (1) the  
312 accused person was a person with psychiatric disabilities at the time of  
313 the crime, (2) the accused person is not dangerous to himself or herself

314 or others or gravely disabled, (3) the accused person is not in need of  
315 care and treatment in a hospital for psychiatric disabilities, (4) the  
316 accused person presently needs and is likely to benefit from treatment  
317 for psychiatric disabilities, (5) there is no less restrictive alternative  
318 than placement in the alternative incarceration center, and (6)  
319 suspension of prosecution will advance the interests of justice.

320 (c) A suspension of prosecution ordered under the provisions of  
321 subsection (b) of this section may be for a period not exceeding two  
322 years. During the period of suspension, an accused person shall be  
323 placed in the custody of the Court Support Services Division for  
324 placement in an alternative incarceration center as provided in section  
325 16 of this act and treatment for such person's psychiatric disabilities.  
326 The court or the Court Support Services Division may require that the  
327 person (1) comply with any of the conditions specified in subsections  
328 (a) and (b) of section 53a-30 of the general statutes, and (2) be tested for  
329 use of alcohol or drugs during the period of suspension. The accused  
330 person shall, unless indigent, pay the cost of treatment ordered under  
331 this section.

332 (d) If prosecution is suspended under the provisions of subsection  
333 (b) of this section, (1) the statute of limitations applicable to the crime  
334 charged shall be tolled during the period of suspension, and (2) the  
335 accused person shall be deemed to have waived such person's right to  
336 a speedy trial for the crime charged.

337 (e) The court shall not suspend prosecution under subsection (b) of  
338 this section unless (1) the accused person has acknowledged that such  
339 person understands the consequences of the suspension of  
340 prosecution, (2) the accused person has given notice, by registered or  
341 certified mail on a form prescribed by the Chief Court Administrator,  
342 to the victim, if any, of the crime of which the person is accused and of  
343 the pending motion for suspension of prosecution, (3) such victim, if  
344 any, has been given an opportunity to be heard on the motion for  
345 suspension of prosecution, and (4) the accused person, unless such  
346 person is indigent, has paid to the clerk of the court an administration

347 fee of twenty-five dollars.

348 (f) If the prosecution is suspended, the person shall be released on a  
349 written promise to appear or on a bond and any other bond posted in  
350 any criminal proceeding concerning such person shall be terminated.

351 (g) If the court denies the motion for suspension of prosecution, the  
352 state's attorney may proceed with prosecution of the crime.

353 (h) A person shall be deemed to be indigent for the purposes of this  
354 section if the court determines the person has an estate insufficient to  
355 provide for such person's support or there is no person legally liable or  
356 able to support such person.

357 Sec. 11. (NEW) (a) The director of the treatment program shall  
358 discharge from treatment any person being treated pursuant to the  
359 provisions of section 10 of this act who completes the treatment  
360 program. The director of the program shall notify the Court Support  
361 Services Division of the director's intent to discharge such person at  
362 least seven days before the date the person is to be discharged.

363 (b) At any time before the end of the period of suspension of  
364 prosecution, the Court Support Services Division may recommend to  
365 the court that the charge be dismissed if the person has (1) completed  
366 the treatment program, (2) complied with all conditions set under  
367 subsection (c) of section 10 of this act, and (3) abstained from the use of  
368 alcohol for one year if such person was alcohol dependent or abstained  
369 from the unlawful use of drugs for one year if such person was drug  
370 dependent.

371 (c) Not later than one month before the end of the period of  
372 suspension of prosecution, the Court Support Services Division shall  
373 notify the court of the impending conclusion of the suspension and  
374 submit a report on whether the person has completed the treatment  
375 program and has complied with all conditions set under subsection (c)  
376 of section 10 of this act and on whether the office recommends  
377 dismissal of the charge.

378 (d) If the court, on motion by the person discharged from treatment,  
379 or on its own motion, finds that the person (1) is responding favorably  
380 to treatment at the expiration of the period of suspension of  
381 prosecution or has completed the treatment program, and (2) has  
382 complied with all other conditions of suspension, it may dismiss the  
383 charge for which prosecution had been suspended under the  
384 provisions of section 10 of this act. If the court denies the motion and  
385 terminates the suspension of prosecution, the state's attorney may  
386 proceed with prosecution of the crime.

387 Sec. 12. (NEW) (a) The court shall conduct a hearing to determine  
388 whether the conditions of the suspension of prosecution should be  
389 modified or the suspension terminated, if the Court Support Services  
390 Division, after receipt of a report from the director of the treatment  
391 program, notifies the clerk of the court that a person treated pursuant  
392 to section 10 of this act (1) has committed a violent act against another  
393 person at the alternative incarceration center or a violent act that  
394 damages property at the alternative incarceration center, (2) has  
395 threatened to commit such a violent act, (3) has committed a serious  
396 violation of rules of the alternative incarceration center, (4) has  
397 repeatedly committed violations of program rules that inhibit the  
398 person's ability to function in the program, (5) has continually refused  
399 to participate in the program, (6) has asked to be removed from the  
400 program, or (7) is unable to participate in the treatment program  
401 because of a medical or psychosocial condition which is not  
402 appropriately treated by the program operated by the alternative  
403 incarceration center. The director of the treatment program shall have  
404 the burden of establishing facts to support the director's report. If the  
405 court terminates the suspension, the state's attorney may proceed with  
406 prosecution of the crime.

407 (b) If a person being treated has not complied with conditions set  
408 pursuant to subsection (c) of section 10 of this act, the Court Support  
409 Services Division shall notify the clerk of the court. The court may  
410 terminate the suspension of prosecution and the state's attorney may  
411 proceed with prosecution of the crime if the court, after a hearing,

412 finds the person has not complied with such conditions.

413 (c) A person who has not completed treatment may not be  
414 discharged sooner than four days after the Court Support Services  
415 Division is notified of the proposed discharge, except that if immediate  
416 discharge from treatment is necessary to protect the health or safety of  
417 persons in the alternate incarceration center or staff of the center, the  
418 person may be discharged less than four days after notification with  
419 the agreement of the Court Support Services Division.

420 Sec. 13. (NEW) (a) The provisions of this section shall not apply to  
421 any person convicted of a violation of section 53a-54a, 53a-54b, 53a-54c  
422 or 53a-54d of the general statutes.

423 (b) Before sentencing a convicted person, the court may consider  
424 any information before it concerning the psychiatric disabilities of the  
425 person, including an examination report made pursuant to section 8 of  
426 this act. The court may impose a sentence and order the person be  
427 referred to the Court Support Services Division for placement in an  
428 alternative incarceration center as provided in section 16 of this act for  
429 treatment of such person's psychiatric disabilities, as provided in  
430 subsection (c) of this section if the court finds that (1) the convicted  
431 person was a person with psychiatric disabilities at the time of the  
432 crime for which the person was convicted, (2) there was a relationship  
433 between the psychiatric disabilities and the crime, (3) the convicted  
434 person is not dangerous to himself or herself or others or gravely  
435 disabled, (4) the convicted person does not need care and treatment in  
436 a hospital for psychiatric disabilities, (5) the convicted person presently  
437 needs and is likely to benefit from treatment for psychiatric disabilities,  
438 (6) there is no less restrictive alternative than placement in the  
439 alternative incarceration center, (7) the person is not ineligible under  
440 subsection (a) of this section, and (8) the person meets the criteria for  
441 probation under subsection (a) of section 53a-29 of the general statutes.

442 (c) The court may, after imposing sentence, (1) suspend execution of  
443 a sentence of imprisonment, either entirely or after a period set by the

444 court, (2) impose a period of probation as provided in this section and  
445 subsections (b) and (c) of section 53a-28 of the general statutes, and (3)  
446 as a condition of probation, order the Court Support Services Division  
447 to place the person in an alternative incarceration center as provided in  
448 section 16 of this act for treatment of such person's psychiatric  
449 disabilities. The court may require that a probation officer have at least  
450 one contact per week with the treatment program in which the person  
451 is participating and at least one contact per week with the person when  
452 such person is not participating in an inpatient program. Placement in  
453 a treatment program shall be no earlier than the date that space is  
454 available in a treatment program as reported by the clinical examiner  
455 under section 8 of this act.

456 (d) The court may order that the person be transferred immediately  
457 to an alternative incarceration center as provided in section 16 of this  
458 act provided space is available as provided in subsection (c) of this  
459 section. If the court orders an immediate transfer, it shall issue a  
460 mittimus directing the judicial marshal to convey the person to the  
461 alternative incarceration center.

462 (e) Time spent in an alternative incarceration center by a person  
463 pursuant to the provisions of this section shall not be credited against  
464 any sentence, the execution of which was suspended because of such  
465 treatment.

466 (f) Any violation of conditions set under this section shall be a  
467 violation of probation under section 53a-32 of the general statutes.

468 (g) The provisions of this section shall not be construed to limit the  
469 application of any provision of the general statutes requiring  
470 mandatory minimum sentences and prohibiting probation for certain  
471 offenses.

472 Sec. 14. (NEW) (a) The director of the treatment program shall  
473 submit a report to the Court Support Services Division whenever a  
474 person treated pursuant to section 13 of this act has completed the  
475 treatment program. Such report shall recommend whether the person

476 should receive further treatment for psychiatric disabilities.

477 (b) The Court Support Services Division shall notify the clerk of the  
478 court when a person (1) has completed the treatment program, (2) has  
479 complied with all the conditions set under section 13 of this act, and (3)  
480 if alcohol dependent, has abstained from the use of alcohol for two  
481 consecutive years, or, if drug dependent, has abstained from the  
482 unlawful use of drugs for two consecutive years. Upon receipt of such  
483 notification, the clerk shall set a hearing. The Court Support Services  
484 Division may advise the court of any recommendation it may make,  
485 including if it recommends a modification of sentence or terms of  
486 probation or a termination of probation and release of the person.  
487 After a hearing, the court may modify the sentence or terms of  
488 probation or terminate the probation and release the person.

489 Sec. 15. (NEW) (a) The court shall conduct a hearing to determine if  
490 the sentence or terms of probation should be modified if the Court  
491 Support Services Division, after a report from the director of the  
492 treatment program, notifies the clerk of the court that a person being  
493 treated pursuant to section 13 of this act (1) has committed a violent act  
494 against another person at the alternative incarceration center or a  
495 violent act that damages property at the alternative incarceration  
496 center, (2) has threatened to commit such a violent act, (3) has  
497 committed a serious violation of rules of the treatment program, (4)  
498 has repeatedly committed violations of program rules that inhibit the  
499 person's ability to function in the program, (5) has continually refused  
500 to participate in the program, (6) has asked to be removed from the  
501 program, or (7) is unable to participate in the treatment program  
502 because of a medical or psychosocial condition that is not  
503 appropriately treated by the program operated by the alternative  
504 incarceration center. The director of the treatment program has the  
505 burden of establishing facts to support the director's report to the  
506 Court Support Services Division.

507 (b) A person who has not completed treatment may not be  
508 discharged sooner than four days after the Court Support Services

509 Division is notified of the proposed discharge, except that if immediate  
510 discharge from treatment is necessary to protect the health or safety of  
511 persons in the program or staff of the program, the person may be  
512 discharged less than four days after notification with the agreement of  
513 the Court Support Services Division.

514 Sec. 16. (NEW) (a) The Court Support Services Division shall  
515 establish in each mental health region in the state a fifteen-bed  
516 alternative incarceration center that, in addition to the programs and  
517 services offered by an alternative incarceration center, provides a  
518 residential and day reporting program for accused and convicted  
519 persons with psychiatric disabilities.

520 (b) The program director shall hold a clinical license, and the center  
521 shall be staffed by licensed clinical social workers and residential  
522 counselors who are trained to work with persons with psychiatric  
523 disabilities who are accused or convicted of criminal offenses.

524 (c) The program shall develop a memorandum of agreement with  
525 the local mental health authority to provide a full range of psychiatric  
526 treatment services to the program participants. The local mental health  
527 authority shall assign a clinical coordinator to work with the director  
528 of the alternative incarceration center in facilitating timely access to  
529 appropriate services and to develop a network of community, social  
530 and vocational rehabilitation supports that will enhance successful  
531 program participation and long-term community integration.

532 (d) Any person referred to the center pursuant to section 10 or 13 of  
533 this act shall be screened to determine such person's eligibility for the  
534 program. Such person shall (1) consent to such screening and  
535 participation in the program, (2) sign releases authorizing the  
536 disclosure of past and current psychiatric information, (3) agree to  
537 abide by program rules, and (4) be clinically stable and not dangerous  
538 to himself or herself or others. Any person determined to be eligible  
539 for the program shall be accepted into the program based on  
540 availability of space.

541 (e) The program director and the clinical coordinator shall develop  
542 an integrated individualized alternative incarceration program and  
543 treatment plan for each person that will include a schedule of daily  
544 activities. The alternate incarceration center shall provide supervision,  
545 community service, meals, transportation, assistance in applying for  
546 any entitlements for which the program participant may be eligible  
547 and, if required by the court or Court Support Services Division, drug  
548 screening. The local mental health authority shall provide clinical  
549 assessment, emergency intervention, outpatient treatment, medication  
550 assistance when needed, social supports, case management and  
551 community reintegration planning.

552 Sec. 17. Section 54-63f of the general statutes is repealed and the  
553 following is substituted in lieu thereof:

554 (a) A person who has been convicted of any offense, except a  
555 violation of section 53a-54a, 53a-54b, 53a-54c or 53a-54d, [or any  
556 offense involving the use, attempted use or threatened use of physical  
557 force against another person,] and is either awaiting sentence or has  
558 given oral or written notice of such person's intention to appeal or file  
559 a petition for certification or a writ of certiorari may be released  
560 pending final disposition of the case, unless the court finds custody to  
561 be necessary to provide reasonable assurance of such person's  
562 appearance in court, upon the first of the following conditions of  
563 release found sufficient by the court to provide such assurance: (1)  
564 Upon such person's execution of a written promise to appear, (2) upon  
565 such person's execution of a bond without surety in no greater amount  
566 than necessary, (3) upon such person's execution of a bond with surety  
567 in no greater amount than necessary, (4) upon such person's deposit,  
568 with the clerk of the court having jurisdiction of the offense with which  
569 such person stands convicted or any assistant clerk of such court who  
570 is bonded in the same manner as the clerk or any person or officer  
571 authorized to accept bail, a sum of money equal to the amount called  
572 for by the bond required by the court, or (5) upon such person's pledge  
573 of real property, the equity of which is equal to the amount called for  
574 by the bond required by the court, provided the person pledging such

575 property is the owner of such property. When cash bail is offered, such  
576 bond shall be executed and the money shall be received in lieu of a  
577 surety or sureties upon such bond. Such cash bail shall be retained by  
578 the clerk of such court until a final order of the court disposing of the  
579 same is passed, provided, if such bond is forfeited, the clerk of such  
580 court shall pay the money to the payee named therein, according to the  
581 terms and conditions of the bond.

582 (b) There shall be a presumption that a person convicted of any  
583 offense involving the use, attempted use or threatened use of physical  
584 force against another person shall not be released under subsection (a)  
585 of this section. The court may release a person convicted of any such  
586 offense, other than a violation of section 53a-54a, 53a-54b, 53a-54c or  
587 53a-54d, provided the court, in addition to the findings required under  
588 subsection (a) of this section concerning conditions of release, makes  
589 the following findings and specifically states such findings in writing  
590 for the record: (1) That the conditions imposed on such person's release  
591 will reasonably protect any victim of the offense from such person  
592 during such person's release, (2) that the conditions imposed on such  
593 person's release will reasonably assure such person's appearance in  
594 court when called, (3) that the victim of the offense has been notified,  
595 or reasonable efforts have been made to locate and notify the victim,  
596 and the victim has been given an opportunity to make or submit a  
597 statement concerning whether the person should be released, and the  
598 court has considered any such statement made by the victim, and (4)  
599 that it is in the interests of justice that such person should be released.

600 Sec. 18. Section 18-86b of the general statutes is repealed and the  
601 following is substituted in lieu thereof:

602 (a) Notwithstanding the provisions of sections 18-105 to 18-107,  
603 inclusive, the Commissioner of Correction is authorized to improve the  
604 operation of the state's correctional facilities by entering into contracts  
605 with any governmental or private nonprofit vendor for supervision of  
606 not more than five hundred inmates outside the state. Any such  
607 governmental or private nonprofit vendor shall agree to be bound by

608 the provisions of the Interstate Corrections Compact, and any  
609 [governmental or privately-operated] facility operated by a  
610 government or private nonprofit organization to which state inmates  
611 are transferred pursuant to a contract under this section shall be  
612 located in a state which has enacted and entered into the Interstate  
613 Corrections Compact.

614 (b) A state inmate confined in any [governmental or privately-  
615 operated] facility operated by a government or private nonprofit  
616 organization pursuant to the terms of any contract with the state shall  
617 at all times be subject to the authority of the Commissioner of  
618 Correction who may at any time remove the inmate for transfer to a  
619 state correctional facility or other institution, for transfer to another  
620 [governmental or privately-operated] facility operated by a  
621 government or private nonprofit organization, for release on probation  
622 or parole, for discharge or for any other purpose permitted by the laws  
623 of this state.

624 Sec. 19. (NEW) The Commissioner of Correction shall not enter into  
625 any contract with a for-profit organization for the supervision or  
626 housing of inmates in or outside this state.

627 Sec. 20. (NEW) The Board of Parole shall, in consultation with the  
628 Department of Mental Health and Addiction Services, develop a  
629 specialized screening program for the performance of a risk  
630 assessment of persons eligible for parole.

**Statement of Legislative Commissioners:**

An incorrect reference to treatment being provided "in this section and sections 11 and 12 of this act" was deleted in section 10(b) and an incorrect statutory reference was corrected in section 13(b)(8).

**JUD**      *Joint Favorable Subst.-LCO*