



House of Representatives

General Assembly

File No. 453

February Session, 2002

Substitute House Bill No. 5748

House of Representatives, April 11, 2002

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION.

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

1 Section 1. Section 1-24 of the general statutes, as amended by public
2 act 01-7 and section 1 of public act 01-84, is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2002*):

4 The following officers may administer oaths: (1) The clerks of the
5 Senate, the clerks of the House of Representatives and the chairpersons
6 of committees of the General Assembly or of either branch thereof,
7 during its session; (2) state officers, as defined in subsection (t) of
8 section 9-1, judges and clerks of any court, family support magistrates,
9 justices of the peace, commissioners of the Superior Court, notaries
10 public, commissioners appointed by the Governor to take
11 acknowledgment of deeds, town clerks and assistant town clerks, in all
12 cases where an oath may be administered, except in a case where the
13 law otherwise requires; (3) commissioners on insolvent estates,
14 auditors, arbitrators and committees, to parties and witnesses, in all

15 cases tried before them; (4) assessors and boards of assessment
16 appeals, in cases coming before them; (5) commissioners appointed by
17 governors of other states to take the acknowledgment of deeds, in the
18 discharge of their official duty; (6) the moderator of a school district
19 meeting, in such meeting, to the clerk of such district, as required by
20 law; (7) the first selectman, in any matter before the board of
21 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
22 and assistant medical examiners of the Office of the Medical Examiner,
23 in any matter before them; (9) registrars of vital statistics, in any matter
24 before them; (10) any chief inspector or inspector appointed pursuant
25 to section 51-286; (11) registrars of voters, deputy registrars, assistant
26 registrars, and moderators, in any matter before them; (12) special
27 assistant registrars, in matters provided for in subsections (b) and (c) of
28 section 9-19b and section 9-19c; (13) the Commissioner of Public Safety
29 and any sworn member of any local police department or the Division
30 of State Police within the Department of Public Safety, in all affidavits,
31 statements, depositions, complaints or reports made to or by any
32 member of any local police department or said Division of State Police
33 or any constable who is under the supervision of said commissioner or
34 any of such officers of said Division of State Police and who is certified
35 under the provisions of sections 7-294a to 7-294e, inclusive, and
36 performs criminal law enforcement duties; (14) judge advocates of the
37 United States Army, Navy, Air Force and Marine Corps, law
38 specialists of the United States Coast Guard, adjutants, assistant
39 adjutants, acting adjutants and personnel adjutants, commanding
40 officers, executive officers and officers whose rank is lieutenant
41 commander or major, or above, of the armed forces, as defined in
42 section 27-103, to persons serving with or in the armed forces, as
43 defined in said section, or their spouses; (15) investigators, deputy
44 investigators, investigative aides, secretaries, clerical assistants, social
45 workers, social worker trainees, paralegals and certified legal interns
46 employed by or assigned to the Public Defender Services Commission
47 in the performance of their assigned duties; (16) bail commissioners [,
48 assistant bail commissioners and secretaries and clerical assistants
49 employed in the office of the Bail Commission] employed by the

50 Judicial Department in the performance of their assigned duties; (17)
51 juvenile matter investigators employed by the Division of Criminal
52 Justice in the performance of their assigned duties; (18) the chairperson
53 of the Connecticut Siting Council or the chairperson's designee; (19)
54 the presiding officer at an agency hearing under section 4-177b; (20)
55 family relations counselors [of the Family Division of the Superior
56 Court,] employed by the Judicial Department and support
57 enforcement officers and investigators employed by the Department of
58 Social Services Bureau of Child Support Enforcement and the Judicial
59 Department, in the performance of their assigned duties; (21) the
60 chairperson, vice-chairperson and members of the Board of Parole,
61 parole officers and parole supervisors in the performance of their
62 assigned duties; and (22) the Commissioner of Correction or the
63 commissioner's designee.

64 Sec. 2. Subsection (c) of section 17a-566 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2002*):

67 (c) Upon completion of the physical and psychiatric examination of
68 the defendant, but not later than sixty days after admission to the
69 diagnostic unit, a written report of the results thereof shall be filed in
70 quadruplicate with the clerk of the court before which he was
71 convicted, and such clerk shall cause copies to be delivered to the
72 state's attorney, to counsel for the defendant and to the [Office of Adult
73 Probation] Court Support Services Division.

74 Sec. 3. Section 17a-692 of the general statutes is repealed and the
75 following is substituted in lieu thereof (*Effective October 1, 2002*):

76 (a) The [Office of Adult Probation] Court Support Services Division
77 shall have custody of (1) any person charged with a crime for whom
78 the court, pursuant to the provisions of section 17a-696, as amended by
79 this act, has suspended prosecution and ordered treated for alcohol or
80 drug dependency, and (2) any person convicted of a crime whom the
81 court, pursuant to the provisions of section 17a-699, as amended by
82 this act, has sentenced to a period of probation and ordered treated for

83 alcohol or drug dependency.

84 (b) The [Office of Adult Probation] Court Support Services Division
85 may (1) coordinate, pursuant to the provisions of section 17a-694, as
86 amended by this act, the examination of any person in its custody, (2)
87 coordinate the placement of such person for treatment for alcohol or
88 drug dependency, and (3) monitor the progress and behavior of such
89 person in the treatment program.

90 (c) The [Office of Adult Probation] Court Support Services Division
91 may transfer any person in a treatment program to another treatment
92 program with the agreement of the director of the program to which
93 the person is proposed to be transferred.

94 (d) Any person in the custody of the [Office of Adult Probation]
95 Court Support Services Division under the provisions of section 17a-
96 696 or 17a-699, as amended by this act, may, without any notice, be
97 tested for use of alcohol or drugs.

98 Sec. 4. Subsection (c) of section 17a-694 of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective*
100 *October 1, 2002*):

101 (c) The examiner shall prepare and sign, without notarization, a
102 written examination report and deliver it to the court, the [Office of
103 Adult Probation] Court Support Services Division, the state's attorney
104 and defense counsel no later than thirty days after the examination
105 was ordered. An examination report ordered pursuant to this section
106 and section 17a-693 shall otherwise be confidential and not open to
107 public inspection or subject to disclosure.

108 Sec. 5. Subsection (c) of section 17a-696 of the general statutes is
109 repealed and the following is substituted in lieu thereof (*Effective*
110 *October 1, 2002*):

111 (c) A suspension of prosecution ordered under the provisions of
112 subsection (b) of this section may be for a period not exceeding two
113 years. During the period of suspension, an accused person shall be

114 placed in the custody of the [Office of Adult Probation] Court Support
115 Services Division for treatment for alcohol or drug dependency. The
116 court or the [Office of Adult Probation] Court Support Services
117 Division may require that the person (1) comply with any of the
118 conditions specified in subsections (a) and (b) of section 53a-30, as
119 amended by this act, and (2) be tested for use of alcohol or drugs
120 during the period of suspension. The accused person shall, unless
121 indigent, pay the cost of treatment ordered under this section.

122 Sec. 6. Section 17a-697 of the general statutes is repealed and the
123 following is substituted in lieu thereof (*Effective October 1, 2002*):

124 (a) The director of the treatment program shall discharge from
125 treatment any person being treated pursuant to the provisions of
126 section 17a-696, as amended by this act, who completes the treatment
127 program. The director of the program shall notify the [office of adult
128 probation] Court Support Services Division of his intent to discharge
129 such person at least seven days before the date the person is to be
130 discharged.

131 (b) At any time before the end of the period of suspension of
132 prosecution, the [office of adult probation] Court Support Services
133 Division may recommend to the court that the charge be dismissed if
134 the person has (1) completed the treatment program, (2) complied with
135 all conditions set under subsection (c) of section 17a-696, as amended
136 by this act, and (3) abstained from the use of alcohol for one year if
137 such person was alcohol dependent or abstained from the unlawful
138 use of drugs for one year if such person was drug dependent.

139 (c) Not later than one month before the end of the period of
140 suspension of prosecution, the [office] Court Support Services Division
141 shall notify the court of the impending conclusion of the suspension
142 and submit a report on whether the person has completed the
143 treatment program and has complied with all conditions set under
144 subsection (c) of 17a-696, as amended by this act, and on whether the
145 office recommends dismissal of the charge.

146 (d) If the court, on motion by the person discharged from treatment,
147 or on its own motion, finds that the person (1) is responding favorably
148 to treatment at the expiration of the period of suspension of
149 prosecution or has completed the treatment program, and (2) has
150 complied with all other conditions of suspension, it may dismiss the
151 charge for which prosecution had been suspended under the
152 provisions of section 17a-696, as amended by this act. If the court
153 denies the motion and terminates the suspension of prosecution, the
154 state's attorney may proceed with prosecution of the crime.

155 Sec. 7. Section 17a-698 of the general statutes is repealed and the
156 following is substituted in lieu thereof (*Effective October 1, 2002*):

157 (a) The court shall conduct a hearing to determine whether the
158 conditions of the suspension of prosecution should be modified or the
159 suspension terminated, if the [Office of Adult Probation] Court
160 Support Services Division, after receipt of a report from the director of
161 the treatment program, notifies the clerk of the court that a person
162 treated pursuant to section 17a-696, as amended by this act, (1) has
163 committed a violent act against another person at the treatment
164 program facility or a violent act that damages property at the
165 treatment program facility, (2) has threatened to commit such a violent
166 act, (3) has committed a serious violation of rules of the treatment
167 program, (4) has repeatedly committed violations of program rules
168 that inhibit the person's ability to function in the program, (5) has
169 continually refused to participate in the program, (6) has asked to be
170 removed from the program, or (7) is unable to participate in the
171 treatment program because of a medical or psychosocial condition
172 which is not appropriately treated by the program operated by the
173 facility. The director of the treatment program shall have the burden of
174 establishing facts to support his report. If the court terminates the
175 suspension, the state's attorney may proceed with prosecution of the
176 crime.

177 (b) If a person being treated has not complied with conditions set
178 pursuant to subsection (c) of section 17a-696, as amended by this act,

179 the [Office of Adult Probation] Court Support Services Division shall
180 notify the clerk of the court. The court may terminate the suspension of
181 prosecution and the state's attorney may proceed with prosecution of
182 the crime if the court, after a hearing, finds the person has not
183 complied with such conditions.

184 (c) A person who has not completed treatment may not be
185 discharged sooner than four days after the [Office of Adult Probation]
186 Court Support Services Division is notified of the proposed discharge,
187 except that if immediate discharge from treatment is necessary to
188 protect the health or safety of persons in the program or staff of the
189 program, the person may be discharged less than four days after
190 notification with the agreement of the [Office of Adult Probation]
191 Court Support Services Division.

192 Sec. 8. Subsection (c) of section 17a-699 of the general statutes is
193 repealed and the following is substituted in lieu thereof (*Effective*
194 *October 1, 2002*):

195 (c) The court may, after imposing sentence, (1) suspend execution of
196 a sentence of imprisonment, either entirely or after a period set by the
197 court, (2) impose a period of probation as provided in this section and
198 subsections (b) and (c) of section 53a-28₂ and (3) as a condition of
199 probation, order the [Office of Adult Probation] Court Support
200 Services Division to place the person in an appropriate treatment
201 program for alcohol or drug dependency. The court may require that a
202 probation officer have at least one contact per week with the treatment
203 program in which the person is participating and at least one contact
204 per week with the person when such person is not participating in an
205 inpatient program. Placement in a treatment program shall be no
206 earlier than the date that space is available in a treatment program as
207 reported by the clinical examiner under section 17a-694₂, as amended
208 by this act.

209 Sec. 9. Section 17a-700 of the general statutes is repealed and the
210 following is substituted in lieu thereof (*Effective October 1, 2002*):

211 (a) The director of the treatment program shall submit a report to
212 the [Office of Adult Probation] Court Support Services Division
213 whenever a person treated pursuant to section 17a-699, as amended by
214 this act, has completed the treatment program. Such report shall
215 recommend whether the person should receive further treatment for
216 alcohol or drug dependency.

217 (b) The [Office of Adult Probation] Court Support Services Division
218 shall notify the clerk of the court when a person (1) has completed the
219 treatment program, (2) has complied with all the conditions set under
220 section 17a-699, as amended by this act, and (3) if alcohol dependent,
221 has abstained from the use of alcohol for two consecutive years, or, if
222 drug dependent, has abstained from the unlawful use of drugs for two
223 consecutive years. Upon receipt of such notification, the clerk shall set
224 a hearing. The [Office of Adult Probation] Court Support Services
225 Division may advise the court of any recommendation it may make,
226 including if it recommends a modification of sentence or terms of
227 probation or a termination of probation and release of the person.
228 After a hearing, the court may modify the sentence or terms of
229 probation or terminate the probation and release the person.

230 Sec. 10. Section 17a-701 of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective October 1, 2002*):

232 (a) The court shall conduct a hearing to determine if the sentence or
233 terms of probation should be modified if the [Office of Adult
234 Probation] Court Support Services Division, after a report from the
235 director of the treatment program, notifies the clerk of the court that a
236 person being treated pursuant to section 17a-699, as amended by this
237 act, (1) has committed a violent act against another person at the
238 treatment program facility or a violent act that damages property at
239 the treatment program facility, (2) has threatened to commit such a
240 violent act, (3) has committed a serious violation of rules of the
241 treatment program, (4) has repeatedly committed violations of
242 program rules that inhibit the person's ability to function in the
243 program, (5) has continually refused to participate in the program, (6)

244 has asked to be removed from the program, or (7) is unable to
245 participate in the treatment program because of a medical or
246 psychosocial condition that is not appropriately treated by the
247 program operated by the facility. The director of the treatment
248 program has the burden of establishing facts to support his report to
249 the [Office of Adult Probation] Court Support Services Division.

250 (b) A person who has not completed treatment may not be
251 discharged sooner than four days after the [Office of Adult Probation]
252 Court Support Services Division is notified of the proposed discharge,
253 except that if immediate discharge from treatment is necessary to
254 protect the health or safety of persons in the program or staff of the
255 program, the person may be discharged less than four days after
256 notification with the agreement of the [Office of Adult Probation]
257 Court Support Services Division.

258 Sec. 11. Section 18-87j of the general statutes is repealed and the
259 following is substituted in lieu thereof (*Effective October 1, 2002*):

260 There is established a Commission on Prison and Jail Overcrowding
261 which shall be within the Office of Policy and Management for
262 administrative purposes only. [Said] The commission shall consist of
263 the Chief Court Administrator or his designee, the Commissioner of
264 Correction, the Commissioner of Public Safety, the Chief State's
265 Attorney or his designee, the Chief Public Defender or his designee,
266 [and the Chief Bail Commissioner] the executive director of the Court
267 Support Services Division or other designee of the Chief Court
268 Administrator and [the Governor shall appoint] the following
269 members, each of whom shall be appointed by the Governor: Three
270 government officials, a police chief, two persons representing offender
271 and victim services within the private community and two public
272 members. The Governor shall appoint a chairperson from among the
273 members of the commission. The commission shall meet at such times
274 as it deems necessary.

275 Sec. 12. Subsection (h) of section 29-33 of the general statutes is
276 repealed and the following is substituted in lieu thereof (*Effective*

277 October 1, 2002):

278 (h) If the court finds that a violation of this section is not of a serious
279 nature and that the person charged with such violation (1) will
280 probably not offend in the future, (2) has not previously been
281 convicted of a violation of this section, and (3) has not previously had a
282 prosecution under this section suspended pursuant to this subsection,
283 it may order suspension of prosecution. The court shall not order
284 suspension of prosecution unless the accused person has
285 acknowledged that he understands the consequences of the suspension
286 of prosecution. Any person for whom prosecution is suspended shall
287 agree to the tolling of any statute of limitations with respect to such
288 violation and to a waiver of his right to a speedy trial. Such person
289 shall appear in court and shall be released to the custody of the [Office
290 of Adult Probation] Court Support Services Division for such period,
291 not exceeding two years, and under such conditions as the court shall
292 order. If the person refuses to accept, or, having accepted, violates such
293 conditions, the court shall terminate the suspension of prosecution and
294 the case shall be brought to trial. If such person satisfactorily completes
295 his period of probation, he may apply for dismissal of the charges
296 against him and the court, on finding such satisfactory completion,
297 shall dismiss such charges. If the person does not apply for dismissal
298 of the charges against him after satisfactorily completing his period of
299 probation, the court, upon receipt of a report submitted by the [Office
300 of Adult Probation] Court Support Services Division that the person
301 satisfactorily completed his period of probation, may on its own
302 motion make a finding of such satisfactory completion and dismiss
303 such charges. Upon dismissal, all records of such charges shall be
304 erased pursuant to section 54-142a. An order of the court denying a
305 motion to dismiss the charges against a person who has completed his
306 period of probation or terminating the participation of a defendant in
307 such program shall be a final judgment for purposes of appeal.

308 Sec. 13. Subsection (b) of section 46b-38c of the general statutes is
309 repealed and the following is substituted in lieu thereof (*Effective*
310 *October 1, 2002*):

311 (b) The [Family Relations Division of the Superior Court] Court
312 Support Services Division, in accordance with the agreement between
313 the Chief State's Attorney and the Judicial Department, shall establish
314 within each geographical area of the Superior Court a local family
315 violence intervention unit to implement sections 46b-1, 46b-15, as
316 amended, 46b-38a to 46b-38f, inclusive, and 54-1g. The [Family
317 Relations] Court Support Services Division shall oversee direct
318 operations of the local units.

319 Sec. 14. Subsection (i) of section 46b-38c of the general statutes is
320 repealed and the following is substituted in lieu thereof (*Effective*
321 *October 1, 2002*):

322 (i) The Judicial Department shall establish an ongoing training
323 program for judges, [Family] Court Support Services Division
324 personnel [, bail commissioners] and clerks to inform them about the
325 policies and procedures of sections 46b-1, 46b-15, as amended, 46b-38a
326 to 46b-38f, inclusive, and 54-1g, including, but not limited to, the
327 function of the family violence intervention units and the use of
328 restraining and protective orders.

329 Sec. 15. Section 46b-38f of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective October 1, 2002*):

331 (a) The [Family] Court Support Services Division shall maintain a
332 statistical summary of all family violence cases referred to the family
333 violence intervention units. Such summary shall include, but not be
334 limited to, the number of family violence cases referred, the nature of
335 the cases and the charges and dispositions.

336 (b) The statistical summary reports prepared by the [Family] Court
337 Support Services Division shall be submitted to the Department of
338 Public Safety on a monthly basis. The Department of Public Safety
339 shall compile and report annually for a period of five years to the
340 Governor and the General Assembly the tabulated data of family
341 violence crime reports.

342 Sec. 16. Section 46b-69b of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective October 1, 2002*):

344 (a) The [Family Division of the] Judicial Department shall establish a
345 parenting education program for parties involved in any action before
346 the Superior Court under section 46b-1, except actions brought under
347 section 46b-15, as amended, and chapter 815t. For the purposes of this
348 section, [a] "parenting education program" means a course designed by
349 the Judicial Department to educate persons, including unmarried
350 parents, on the impact on children of the restructuring of families. The
351 course shall include, but not be limited to, information on the
352 developmental stages of children, adjustment of children to parental
353 separation, dispute resolution and conflict management, guidelines for
354 visitation, stress reduction in children and cooperative parenting.

355 (b) The court shall order any party to an action specified in
356 subsection (a) of this section to participate in such program whenever
357 a minor child is involved in such action unless (1) the parties agree,
358 subject to the approval of the court, not to participate in such program,
359 (2) the court, on motion, determines that participation is not deemed
360 necessary, or (3) the parties select and participate in a comparable
361 parenting education program. A family support magistrate may order
362 parties involved in any action before the Family Support Magistrate
363 Division to participate in such parenting education program, upon a
364 finding that such participation is necessary and provided both parties
365 are present when such order is issued. No party shall be required to
366 participate in such program more than once. A party shall be deemed
367 to have satisfactorily completed such program upon certification by
368 the service provider of the program.

369 (c) The [Family Division] Judicial Department shall, by contract with
370 service providers, make available the parenting education program
371 and shall certify to the court the results of each party's participation in
372 the program.

373 (d) Any person who is ordered to participate in a parenting
374 education program shall pay directly to the service provider a

375 participation fee, except that no person may be excluded from such
376 program for inability to pay such fee. Any contract entered into
377 between the [Family Division] Judicial Department and the service
378 provider pursuant to subsection (c) of this section shall include a fee
379 schedule and provisions requiring service providers to allow persons
380 who are indigent or unable to pay to participate in such program and
381 shall provide that all costs of such program shall be covered by the
382 revenue generated from participants' fees. The total cost for such
383 program shall not exceed two hundred dollars per person. Such
384 amount shall be indexed annually to reflect the rate of inflation. The
385 program shall not exceed a total of ten hours.

386 (e) Any service provider under contract with the [Family Division]
387 Judicial Department pursuant to this section shall provide safety and
388 security for participants in the program, including victims of family
389 violence.

390 Sec. 17. Section 46b-69c of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective October 1, 2002*):

392 (a) There is established an advisory committee to (1) make
393 recommendations to the Judicial Department on the development of,
394 and annually thereafter on modifications to, the curriculum for the
395 parenting education program established pursuant to subsection (a) of
396 section 46b-69b, as amended by this act, and (2) advise on other
397 matters involving the service providers, including the qualifications
398 and selection of such providers.

399 (b) The advisory committee shall consist of not more than ten
400 members to be appointed by the Chief Justice of the Supreme Court
401 and shall include members who represent the [commission on
402 children] Commission on Children, the family law section of the
403 Connecticut Bar Association, educators specializing in children
404 studies, agencies representing victims of family violence, service
405 providers and the Judicial Department. The members shall serve for
406 terms of two years and may be reappointed for succeeding terms. The
407 members shall elect a chairperson from among their number and shall

408 receive no compensation for their services.

409 (c) The [Family Division] Court Support Services Division of the
410 Judicial Department shall provide staff services to the advisory
411 committee.

412 Sec. 18. Section 46b-120 of the general statutes is repealed and the
413 following is substituted in lieu thereof (*Effective October 1, 2002*):

414 The terms used in this chapter shall, in its interpretation and in the
415 interpretation of other statutes, be defined as follows: (1) "Child"
416 means any person under sixteen years of age and, for purposes of
417 delinquency matters, "child" means any person (A) under sixteen years
418 of age, or [] (B) sixteen years of age or older who, prior to attaining
419 sixteen years of age, has violated any federal or state law or municipal
420 or local ordinance, other than an ordinance regulating behavior of a
421 child in a family with service needs, and, subsequent to attaining
422 sixteen years of age, violates any order of the Superior Court or any
423 condition of probation ordered by the Superior Court with respect to
424 such delinquency proceeding; (2) "youth" means any person sixteen to
425 eighteen years of age; (3) "youth in crisis" means any person sixteen to
426 seventeen years of age who, within the last two years, (A) has without
427 just cause run away from the parental home or other properly
428 authorized and lawful place of abode, [] (B) is beyond the control of
429 parents, guardian or other custodian, [] or (C) has four unexcused
430 absences from school in any one month or ten unexcused absences in
431 any school year; (4) "abused" means that a child or youth (A) has been
432 inflicted with physical injury or injuries other than by accidental
433 means, or (B) has injuries which are at variance with the history given
434 of them, or (C) is in a condition which is the result of maltreatment
435 such as, but not limited to, malnutrition, sexual molestation or
436 exploitation, deprivation of necessities, emotional maltreatment or
437 cruel punishment; (5) a child may be found "mentally deficient" who,
438 by reason of a deficiency of intelligence, which has existed from birth
439 or from early age, requires, or will require, for his protection or for the
440 protection of others, special care, supervision and control; (6) a child

441 may be convicted as "delinquent" who has violated (A) any federal or
442 state law or municipal or local ordinance, other than an ordinance
443 regulating behavior of a child in a family with service needs, (B) any
444 order of the Superior Court, or (C) conditions of probation as ordered
445 by the court; (7) a child or youth may be found "dependent" whose
446 home is a suitable one for the child or youth, save for the financial
447 inability of parents, parent, guardian or other person maintaining such
448 home, to provide the specialized care the condition of the child or
449 youth requires; (8) [a] "family with service needs" means a family
450 which includes a child who (A) has without just cause run away from
451 the parental home or other properly authorized and lawful place of
452 abode, [;] (B) is beyond the control of parent, parents, guardian or
453 other custodian, [;] (C) has engaged in indecent or immoral conduct, [;]
454 (D) is a truant or habitual truant or who, while in school, has been
455 continuously and overtly defiant of school rules and regulations, [;] or
456 (E) is thirteen years of age or older and has engaged in sexual
457 intercourse with another person and such other person is thirteen
458 years of age or older and not more than two years older or younger
459 than such child; (9) a child or youth may be found "neglected" who (A)
460 has been abandoned, or (B) is being denied proper care and attention,
461 physically, educationally, emotionally or morally, or (C) is being
462 permitted to live under conditions, circumstances or associations
463 injurious to the well-being of the child or youth, or (D) has been
464 abused; (10) a child or youth may be found "uncared for" who is
465 homeless or whose home cannot provide the specialized care which
466 the physical, emotional or mental condition of the child requires. For
467 the purposes of this section, the treatment of any child by an accredited
468 Christian Science practitioner in lieu of treatment by a licensed
469 practitioner of the healing arts, shall not of itself constitute neglect or
470 maltreatment; (11) "delinquent act" means the violation of any federal
471 or state law or municipal or local ordinance, other than an ordinance
472 regulating the behavior of a child in a family with service needs, or the
473 violation of any order of the Superior Court; (12) "serious juvenile
474 offense" means (A) the violation by a child, including attempt or
475 conspiracy to violate sections 21a-277, 21a-278, as amended, 29-33, as

476 amended by this act, 29-34, 29-35, as amended, 53-21, 53-80a, 53-202b,
477 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
478 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
479 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to
480 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
481 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
482 53a-136a, 53a-166, 53a-167c, as amended, subsection (a) of section
483 53a-174, 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, as amended,
484 or (B) running away, without just cause, from any secure placement
485 other than home while referred as a delinquent child to the [Office of
486 Alternative Sanctions] Court Support Services Division or committed
487 as a delinquent child to the Commissioner of Children and Families for
488 a serious juvenile offense; (13) "serious juvenile offender" means any
489 child convicted as delinquent for commission of a serious juvenile
490 offense; (14) "serious juvenile repeat offender" means any child
491 charged with the commission of any felony if such child has
492 previously been convicted delinquent at any age for two violations of
493 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
494 (15) "alcohol-dependent child" means any child who has a
495 psychoactive substance dependence on alcohol as that condition is
496 defined in the most recent edition of the American Psychiatric
497 Association's "Diagnostic and Statistical Manual of Mental Disorders";
498 and (16) "drug-dependent child" means any child who has a
499 psychoactive substance dependence on drugs as that condition is
500 defined in the most recent edition of the American Psychiatric
501 Association's "Diagnostic and Statistical Manual of Mental Disorders".
502 No child shall be classified as drug dependent who is dependent (A)
503 upon a morphine-type substance as an incident to current medical
504 treatment of a demonstrable physical disorder other than drug
505 dependence, or (B) upon amphetamine-type, ataractic,
506 barbiturate-type, hallucinogenic or other stimulant and depressant
507 substances as an incident to current medical treatment of a
508 demonstrable physical or psychological disorder, or both, other than
509 drug dependence.

510 Sec. 19. Subsection (a) of section 46b-121j of the general statutes is

511 repealed and the following is substituted in lieu thereof (*Effective*
512 *October 1, 2002*):

513 (a) The [Office of Alternative Sanctions] Court Support Services
514 Division shall design and make available to the Judicial Department
515 programs and probation treatment services for juvenile offenders. The
516 programs and treatment services shall be based upon the individual or
517 family assessment and evaluation process and case management plan.

518 Sec. 20. Section 46b-121k of the general statutes, as amended by
519 section 3 of public act 01-181, is repealed and the following is
520 substituted in lieu thereof (*Effective October 1, 2002*):

521 (a) The [Office of Alternative Sanctions] Court Support Services
522 Division shall be charged with the duty of developing constructive
523 programs for the prevention and reduction of delinquency and crime
524 among juvenile offenders. To that end, the director shall cooperate
525 with other agencies to encourage the establishment of new programs
526 and to provide a continuum of services for juvenile offenders who do
527 not require secure placement. The programs shall be tailored to the
528 type of juvenile including the juvenile's offense history, age, gender,
529 mental health and chemical dependency problem, and other
530 characteristics. The [Office of Alternative Sanctions] Court Support
531 Services Division shall develop programs that provide: (1) Intensive
532 general educational programs, with an individual educational plan for
533 each juvenile; (2) specific educational components in the management
534 of anger and nonviolent conflict resolution; (3) treatment for chemical
535 dependency; (4) mental health screening, assessment and treatment;
536 and (5) sexual offender treatment.

537 (b) The [Office of Alternative Sanctions] Court Support Services
538 Division may contract to establish regional secure residential facilities
539 and regional highly supervised residential and nonresidential facilities
540 for juveniles referred by the court. Such facilities shall operate within
541 contracted-for capacity limits. Such facilities shall be exempt from the
542 licensing requirements of section 17a-145.

543 (c) The [Office of Alternative Sanctions] Court Support Services
544 Division shall collaborate with private residential facilities providing
545 residential programs and with community-based nonresidential
546 postrelease programs.

547 (d) Any program developed by the [Office of Alternative Sanctions]
548 Court Support Services Division that is designed to prevent or reduce
549 delinquency and crime among juvenile offenders shall be gender
550 specific, as necessary, and shall comprehensively address the unique
551 needs of a targeted gender group.

552 Sec. 21. Section 46b-1211 of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective October 1, 2002*):

554 (a) The [Office of Alternative Sanctions] Court Support Services
555 Division shall fund projects for a program of early intervention
556 initiatives designed for juvenile offenders. The projects may include,
557 but not be limited to, the following initiatives:

558 (1) A peer tutoring project designed for juvenile offenders required
559 to perform community services;

560 (2) Specialized residential services for juvenile offenders on
561 probation who have been expelled from school;

562 (3) Social services and counseling for female juvenile offenders;

563 (4) Training in cognitive skill building;

564 (5) A self-supporting entrepreneurship program; and

565 (6) A mentoring program designed to match juveniles with positive
566 adult role models.

567 (b) The primary purpose of these projects shall be to provide a
568 network of community services for juvenile offenders. The [Office of
569 Alternative Sanctions] Court Support Services Division shall develop
570 evaluation protocols designed to assess the impact of components of
571 these projects on deterring juvenile crime in the communities where

572 the projects operate. [The Office of Alternative Sanctions shall report to
573 the General Assembly not later than January 1, 1998, on the
574 effectiveness of the program initiatives.]

575 Sec. 22. Subsection (c) of section 46b-124 of the general statutes is
576 repealed and the following is substituted in lieu thereof (*Effective*
577 *October 1, 2002*):

578 (c) Records of cases of juvenile matters involving delinquency
579 proceedings shall be available to (1) [judicial branch] Judicial
580 Department employees who, in the performance of their duties,
581 require access to such records, and (2) employees and authorized
582 agents of state or federal agencies involved in (A) the delinquency
583 proceedings, (B) the provision of services directly to the child, or (C)
584 the design and delivery of treatment programs pursuant to section
585 46b-121j, as amended by this act. Such employees and authorized
586 agents include, but are not limited to, law enforcement officials, state
587 and federal prosecutorial officials, school officials in accordance with
588 section 10-233h, court officials including officials of both the regular
589 criminal docket and the docket for juvenile matters, officials of the
590 Division of Criminal Justice, the Division of Public Defender Services,
591 the Department of Children and Families, the [Office of Adult
592 Probation, the Office of the Bail Commissioner] Court Support Services
593 Division, the Board of Parole and agencies under contract with the
594 [Office of Alternative Sanctions] Judicial Department, and an advocate
595 appointed pursuant to section 54-221 for a victim of a crime committed
596 by the child. Such records shall also be available to (i) the attorney
597 representing the child, including the Division of Public Defender
598 Services, in any proceeding in which such records are relevant, (ii) the
599 parents or guardian of the child, until such time as the subject of the
600 record reaches the age of majority, (iii) the subject of the record, upon
601 submission of satisfactory proof of the subject's identity, pursuant to
602 guidelines prescribed by the Office of the Chief Court Administrator
603 and provided the subject has reached the age of majority, (iv) law
604 enforcement officials and prosecutorial officials conducting legitimate
605 criminal investigations, and (v) a state or federal agency providing

606 services related to the collection of moneys due or funding to support
607 the service needs of eligible juveniles, provided such disclosure shall
608 be limited to that information necessary for the collection of and
609 application for such moneys. Such records disclosed pursuant to this
610 subsection shall not be further disclosed, except that information
611 contained in such records may be disclosed in connection with bail or
612 sentencing reports in open court during criminal proceedings
613 involving the subject of such information.

614 Sec. 23. Subsection (c) of section 46b-140 of the general statutes is
615 repealed and the following is substituted in lieu thereof (*Effective*
616 *October 1, 2002*):

617 (c) The court may order, as a condition of probation, that the child
618 (1) reside with a parent, relative or guardian or in a suitable foster
619 home or other residence approved by the court, (2) attend school and
620 class on a regular basis and comply with school policies on student
621 conduct and discipline, (3) refrain from violating any federal or state
622 law or municipal or local ordinance, (4) undergo any medical or
623 psychiatric evaluation or treatment deemed necessary by the court, (5)
624 submit to random drug or alcohol testing, or both, (6) participate in a
625 program of alcohol or drug treatment, or both, (7) make restitution to
626 the victim of the offense in accordance with subsection (d) of this
627 section, (8) participate in an alternative incarceration program or other
628 program established through the [Office of Alternative Sanctions]
629 Court Support Services Division, (9) participate in a program of
630 community service, and (10) satisfy any other conditions deemed
631 appropriate by the court. The court shall cause a copy of any such
632 order to be delivered to the child, the child's parents or guardian and
633 the child's probation officer.

634 Sec. 24. Subsection (a) of section 46b-141a of the general statutes is
635 repealed and the following is substituted in lieu thereof (*Effective*
636 *October 1, 2002*):

637 (a) Whenever a child is convicted as delinquent, the court, in lieu of
638 committing such child to the Department of Children and Families or

639 to a juvenile detention center, may, in its discretion, order an
640 assessment for placement in an alternative incarceration program to be
641 conducted by the [juvenile probation unit of the Superior Court] Court
642 Support Services Division. If the [juvenile probation unit of the
643 Superior Court] Court Support Services Division recommends
644 placement in an alternative incarceration program, it shall also submit
645 to the court a proposed alternative incarceration plan. Upon
646 completion of the assessment, the court shall determine whether such
647 child shall be ordered to participate in such program as an alternative
648 to commitment. If the court determines that the child shall participate
649 in such program, the court shall suspend any commitment to the
650 Department of Children and Families or to a juvenile detention center
651 and shall make participation in the alternative incarceration program a
652 condition of probation.

653 Sec. 25. Section 46b-141b of the general statutes is repealed and the
654 following is substituted in lieu thereof (*Effective October 1, 2002*):

655 (a) When a juvenile is referred to [juvenile probation] the Court
656 Support Services Division, the [juvenile probation unit] division shall
657 conduct an intake risk assessment and make a case classification
658 evaluation. If the [juvenile probation unit] Court Support Services
659 Division deems it appropriate, the proposed probation plan may be
660 submitted to a professional evaluation team. Such team shall be
661 composed of a juvenile probation officer, a representative of the [Office
662 of Alternative Sanctions] Court Support Services Division who is
663 familiar with the alternative incarceration programs operated by the
664 division or a representative from a contracted agency, and, where
665 applicable, a school employee and any other interested parties in the
666 discretion of the court. The evaluation team shall develop a probation
667 treatment plan for each juvenile within fifteen days of the date of the
668 referral of the case to the professional evaluation team, unless the court
669 orders otherwise. The probation treatment plan shall include the
670 following components: (1) Type of residential or nonresidential
671 placement; (2) projected length of placement for the juvenile and the
672 projected cost; and (3) type of services needed by the juvenile and the

673 projected cost.

674 (b) The probation treatment plan shall be submitted to the court for
675 consideration and approval prior to the court's final entry of a
676 probation treatment order. In addition to any probation order, the
677 court may order a medical and psychiatric or psychological
678 examination of the juvenile. The court may assess the cost of the
679 examination to the family based on its ability to pay.

680 (c) In ordering implementation of a probation treatment plan, the
681 court may reasonably designate from the programs and services under
682 contract with the [Office of Alternative Sanctions] Judicial Department
683 the scope and extent of the services to be provided by the [Office of
684 Alternative Sanctions] Court Support Services Division and the
685 juvenile probation unit.

686 (d) The [Office of Alternative Sanctions] Court Support Services
687 Division shall proceed to implement the probation treatment plan
688 immediately upon its approval by the court.

689 Sec. 26. Section 46b-148 of the general statutes is repealed and the
690 following is substituted in lieu thereof (*Effective October 1, 2002*):

691 When a child whose family has been adjudicated as a family with
692 service needs in accordance with section 46b-149 violates any valid
693 order which regulates future conduct of the child made by the court
694 following such an adjudication, a probation officer, on receipt of a
695 complaint setting forth facts alleging such a violation, or on his own
696 motion on the basis of his knowledge of such a violation, may file a
697 petition with the court alleging that the child has committed a
698 delinquent act by reason of having violated a valid court order and
699 setting forth the facts claimed to constitute such a violation. Such child
700 may be processed as any other delinquent child under this chapter,
701 except that (1) such child shall not be held in detention prior to a
702 hearing on such petition for more than seventy-two hours excluding
703 Saturdays, Sundays and holidays; and (2) in entering any order that
704 directs or authorizes placement in a facility under the auspices of the

705 [Office of Alternative Sanctions] Court Support Services Division or
706 commitment to the Department of Children and Families, the judge
707 shall make a determination that there is no less restrictive alternative
708 appropriate to the needs of the child and the community.

709 Sec. 27. Subsection (c) of section 46b-149d of the general statutes is
710 repealed and the following is substituted in lieu thereof (*Effective*
711 *October 1, 2002*):

712 (c) For those communities who have been awarded a grant pursuant
713 to subsection (b) of this section, and established community truancy
714 prevention initiatives, the Chief Court Administrator may establish a
715 truancy or family with service needs docket and the [Office of
716 Alternative Sanctions] Court Support Services Division shall, within
717 available appropriations, make available to such communities the
718 following: (1) A risk and needs assessment tool; and (2) funding for
719 nonjudicial diversion of appropriate truancy cases to youth service
720 bureaus and juvenile review boards. For court sanctioned intervention
721 programs, the [Office of Alternative Sanctions] Court Support Services
722 Division shall: (A) Provide parenting education programs; (B) expand
723 existing programs to serve truancy cases; (C) provide intensive
724 outreach and monitoring, including intensive probation services for
725 chronic truancy cases; (D) provide for mental health assessment and
726 outpatient mental health and substance abuse services; and (E) provide
727 for short-term emergency residential placement for children with
728 multiple referrals to the juvenile court for truancy, being beyond
729 control and for being runaways.

730 Sec. 28. Subsection (d) of section 53-304 of the general statutes, as
731 amended by section 27 of public act 01-91, is repealed and the
732 following is substituted in lieu thereof (*Effective October 1, 2002*):

733 (d) Family relations [caseworkers of the Family Division] counselors
734 and support enforcement officers [of Support Enforcement Services]
735 employed by the Judicial Department may administer oaths in all
736 affidavits, statements, complaints and reports made to or by such
737 family relations [caseworkers] counselors and support enforcement

738 officers [of the Superior Court] in the performance of their duties.

739 Sec. 29. Subdivision (9) of section 53a-3 of the general statutes is
740 repealed and the following is substituted in lieu thereof (*Effective*
741 *October 1, 2002*):

742 (9) "Peace officer" means a member of the Division of State Police
743 within the Department of Public Safety or an organized local police
744 department, a chief inspector or inspector in the Division of Criminal
745 Justice, a state marshal while exercising authority granted under any
746 provision of the general statutes, a judicial marshal in the performance
747 of the duties of a judicial marshal, a conservation officer or special
748 conservation officer, as defined in section 26-5, a constable who
749 performs criminal law enforcement duties, a special policeman
750 appointed under section 29-18, 29-18a or 29-19, an adult probation
751 officer, [appointed under section 54-104,] an official of the Department
752 of Correction authorized by the Commissioner of Correction to make
753 arrests in a correctional institution or facility, any investigator in the
754 investigations unit of the office of the State Treasurer or any special
755 agent of the federal government authorized to enforce the provisions
756 of Title 21 of the United States Code.

757 Sec. 30. Subsection (c) of section 53a-29 of the general statutes is
758 repealed and the following is substituted in lieu thereof (*Effective*
759 *October 1, 2002*):

760 (c) When the court imposes a sentence of conditional discharge the
761 defendant shall be released with respect to the conviction for which the
762 sentence is imposed but shall be subject, during the period of such
763 conditional discharge, to such conditions as the court may determine.
764 The court shall impose the period of conditional discharge authorized
765 by subsection (d) of this section and shall specify, in accordance with
766 section 53a-30, as amended by this act, the conditions to be complied
767 with. When a person is sentenced to a period of probation the court
768 shall impose the period authorized by subsection (d) of this section
769 and may impose any conditions authorized by [said] section 53a-30, as
770 amended by this act. When a person is sentenced to a period of

771 probation, he shall pay to the court a fee of two hundred dollars and
772 shall be placed under the supervision of the [Office of Adult Probation]
773 Court Support Services Division.

774 Sec. 31. Subsection (b) of section 53a-30 of the general statutes is
775 repealed and the following is substituted in lieu thereof (*Effective*
776 *October 1, 2002*):

777 (b) When a defendant has been sentenced to a period of probation,
778 the [Office of Adult Probation] Court Support Services Division may
779 require that the defendant comply with any or all conditions which the
780 court could have imposed under subsection (a) of this section which
781 are not inconsistent with any condition actually imposed by the court.

782 Sec. 32. Subsection (b) of section 53a-31 of the general statutes is
783 repealed and the following is substituted in lieu thereof (*Effective*
784 *October 1, 2002*):

785 (b) Issuance of a warrant or notice to appear for violation pursuant
786 to section 53a-32, shall interrupt the period of the sentence as of the
787 date of such issuance until a final determination as to the violation has
788 been made by the court. During the interrupted period, the court may
789 impose any of the conditions of release set forth in section 54-64a, as
790 amended. In the absence of a warrant or notice to appear for violation
791 pursuant to section 53a-32, if the defendant has failed to comply with
792 any of the conditions of probation or conditional discharge, such
793 failure shall not relieve the [Office of Adult Probation] Court Support
794 Services Division from the responsibility of supervising the defendant.

795 Sec. 33. Section 53a-39a of the general statutes is repealed and the
796 following is substituted in lieu thereof (*Effective October 1, 2002*):

797 (a) In all cases where a defendant has been convicted of a
798 misdemeanor or a felony, other than a capital felony, a class A felony
799 or a violation of section 21a-278, as amended, 21a-278a, 53a-55, 53a-56,
800 53a-56b, 53a-57, 53a-58 or 53a-70b or any other offense for which there
801 is a mandatory minimum sentence which may not be suspended or

802 reduced by the court, after trial or by a plea of guilty without trial, and
803 a term of imprisonment is part of a stated plea agreement or the
804 statutory penalty provides for a term of imprisonment, the court may,
805 in its discretion, order an assessment for placement in an alternate
806 incarceration program [to be conducted by the Office of Adult
807 Probation] under contract with the Judicial Department. If the [Office
808 of Adult Probation] Court Support Services Division recommends
809 placement in an alternate incarceration program, it shall also submit to
810 the court a proposed alternate incarceration plan. Upon completion of
811 the assessment, the court shall determine whether such defendant shall
812 be ordered to participate in such program as an alternative to
813 incarceration. If the court determines that the defendant shall
814 participate in such program, the court shall suspend any sentence of
815 imprisonment and shall make participation in the alternate
816 incarceration program a condition of probation as provided in section
817 53a-30, as amended by this act.

818 (b) An alternate incarceration program includes, but shall not be
819 limited to, an intensive probation program, any community service
820 program approved by the Chief Court Administrator and any
821 residential or nonresidential program approved by the Chief Court
822 Administrator which provides care, supervision and supportive
823 services such as employment, psychiatric and psychological evaluation
824 and counseling, and drug and alcohol dependency treatment. Any
825 defendant placed in an alternate incarceration program shall comply
826 with any other conditions of probation ordered by the court or
827 required by the [Office of Adult Probation] Court Support Services
828 Division, as provided in subsections (a) and (b) of section 53a-30, as
829 amended by this act.

830 Sec. 34. Subsections (d) to (f), inclusive, of section 54-56e of the
831 general statutes are repealed and the following is substituted in lieu
832 thereof (*Effective October 1, 2002*):

833 (d) Except as provided in subsection (e) of this section, any
834 defendant who enters such program shall pay to the court a

835 participation fee of one hundred dollars. Any defendant who enters
836 such program shall agree to the tolling of any statute of limitations
837 with respect to such crime and to a waiver of the right to a speedy trial.
838 Any such defendant shall appear in court and shall, under such
839 conditions as the court shall order, be released to the custody of the
840 [Office of Adult Probation] Court Support Services Division, except
841 that, if a criminal docket for drug-dependent persons has been
842 established pursuant to section 51-181b in the judicial district, such
843 defendant may be transferred, under such conditions as the court shall
844 order, to the court handling such docket for supervision by such court.
845 If the defendant refuses to accept, or, having accepted, violates such
846 conditions, the defendant's case shall be brought to trial. The period of
847 such probation or supervision, or both, shall not exceed two years. The
848 court may order that as a condition of such probation the defendant
849 participate in the zero-tolerance drug supervision program established
850 pursuant to section 53a-39d. If the defendant has reached the age of
851 sixteen years but has not reached the age of eighteen years, the court
852 may order that as a condition of such probation the defendant be
853 referred for services to a youth service bureau established pursuant to
854 section 17a-39, provided the court finds, through an assessment by a
855 youth service bureau or its designee, that the defendant is in need of
856 and likely to benefit from such services. When determining any
857 conditions of probation to order for a person entering such program
858 who was charged with a misdemeanor that did not involve the use,
859 attempted use or threatened use of physical force against another
860 person or a motor vehicle violation, the court shall consider ordering
861 the person to perform community service in the community in which
862 the offense or violation occurred. If the court determines that
863 community service is appropriate, such community service may be
864 implemented by a community court established in accordance with
865 section 51-181c if the offense or violation occurred within the
866 jurisdiction of a community court established by said section. If the
867 defendant is charged with a violation of section 46a-58, 53-37a, 53a-
868 181j, 53a-181k or 53a-181l, the court may order that as a condition of
869 such probation the defendant participate in a hate crimes diversion

870 program as provided in subsection (e) of this section.

871 (e) If the court orders the defendant to participate in a hate crimes
872 diversion program as a condition of probation, the defendant shall pay
873 to the court a participation fee of four hundred twenty-five dollars. No
874 person may be excluded from such program for inability to pay such
875 fee, provided (1) such person files with the court an affidavit of
876 indigency or inability to pay, (2) such indigency or inability to pay is
877 confirmed by the [Office of Adult Probation] Court Support Services
878 Division, and (3) the court enters a finding thereof. The [Office of
879 Adult Probation] Court Support Services Division shall contract with
880 service providers, develop standards and oversee appropriate hate
881 crimes diversion programs to meet the requirements of this section.
882 Any defendant whose employment or residence makes it unreasonable
883 to attend a hate crimes diversion program in this state may attend a
884 program in another state which has standards substantially similar to,
885 or higher than, those of this state, subject to the approval of the court
886 and payment of the application and program fees as provided in this
887 section. The hate crimes diversion program shall consist of an
888 educational program and supervised community service.

889 (f) If a defendant released to the custody of the [Office of Adult
890 Probation] Court Support Services Division satisfactorily completes
891 such defendant's period of probation, such defendant may apply for
892 dismissal of the charges against such defendant and the court, on
893 finding such satisfactory completion, shall dismiss such charges. If the
894 defendant does not apply for dismissal of the charges against such
895 defendant after satisfactorily completing such defendant's period of
896 probation, the court, upon receipt of a report submitted by the [Office
897 of Adult Probation] Court Support Services Division that the
898 defendant satisfactorily completed such defendant's period of
899 probation, may on its own motion make a finding of such satisfactory
900 completion and dismiss such charges. If a defendant transferred to the
901 court handling the criminal docket for drug-dependent persons
902 satisfactorily completes such defendant's period of supervision, the
903 court shall release the defendant to the custody of the [Office of Adult

904 Probation] Court Support Services Division under such conditions as
905 the court shall order or shall dismiss such charges. Upon dismissal, all
906 records of such charges shall be erased pursuant to section 54-142a. An
907 order of the court denying a motion to dismiss the charges against a
908 defendant who has completed such defendant's period of probation or
909 supervision or terminating the participation of a defendant in such
910 program shall be a final judgment for purposes of appeal.

911 Sec. 35. Subsections (b) and (c) of section 54-56g of the general
912 statutes, as amended by section 2 of public act 01-201 and section 9 of
913 public act 01-8 of the June special session, are repealed and the
914 following is substituted in lieu thereof (*Effective October 1, 2002*):

915 (b) The court, after consideration of the recommendation of the
916 state's attorney, assistant state's attorney or deputy assistant state's
917 attorney in charge of the case, may, in its discretion, grant such
918 application. If the court grants such application, it shall refer such
919 person to the [Bail Commission] Court Support Services Division for
920 assessment and confirmation of the eligibility of the applicant. The
921 [Bail Commission] Court Support Services Division, in making its
922 assessment and confirmation, may rely on the representations made by
923 the applicant under oath in open court with respect to convictions in
924 other states of offenses specified in subsection (a) of this section. Upon
925 confirmation of eligibility, the defendant shall be referred to the
926 Department of Mental Health and Addiction Services by the [Bail
927 Commission] Court Support Services Division for evaluation and
928 placement in an appropriate alcohol program for one year. Any person
929 who enters the system shall agree: (1) To the tolling of the statute of
930 limitations with respect to such crime, (2) to a waiver of such person's
931 right to a speedy trial, (3) to participate in at least ten counseling
932 sessions in an alcohol program pursuant to this section or, if such
933 person was charged with a violation of subdivision (2) of subsection
934 (a) of section 14-227a, where the ratio of alcohol in the blood of such
935 person was sixteen-hundredths of one per cent or more of alcohol, by
936 weight, to participate in at least fifteen counseling sessions in an
937 alcohol program pursuant to this section, and complete the assigned

938 program, (4) to accept placement in a treatment program upon
939 recommendation of a provider under contract with the Department of
940 Mental Health and Addiction Services pursuant to subsection (d) of
941 this section or placement in a treatment program which has standards
942 substantially similar to, or higher than, a program of a provider under
943 contract with the Department of Mental Health and Addiction Services
944 if the [Bail Commission] Court Support Services Division deems it
945 appropriate, and (5) if ordered by the court, to participate in at least
946 one victim impact panel. The suspension of the motor vehicle
947 operator's license of any such person pursuant to section 14-227b shall
948 be effective during the period such person is participating in such
949 program, provided such person shall have the option of not
950 commencing the participation in such program until the period of such
951 suspension is completed. If the [Bail Commission] Court Support
952 Services Division informs the court that the defendant is ineligible for
953 the system and the court makes a determination of ineligibility or if the
954 program provider certifies to the court that the defendant did not
955 successfully complete the assigned program or is no longer amenable
956 to treatment, the court shall order the court file to be unsealed, enter a
957 plea of not guilty for such defendant and immediately place the case
958 on the trial list. If such defendant satisfactorily completes the assigned
959 program, such defendant may apply for dismissal of the charges
960 against such defendant and the court, on reviewing the record of the
961 defendant's participation in such program submitted by the [Bail
962 Commission] Court Support Services Division and on finding such
963 satisfactory completion, shall dismiss the charges. If the defendant
964 does not apply for dismissal of the charges against such defendant
965 after satisfactorily completing the assigned program the court, upon
966 receipt of the record of the defendant's participation in such program
967 submitted by the [Bail Commission] Court Support Services Division,
968 may on its own motion make a finding of such satisfactory completion
969 and dismiss the charges. Upon motion of the defendant and a showing
970 of good cause, the court may extend the one-year placement period for
971 a reasonable period for the defendant to complete the assigned
972 program. A record of participation in such program shall be retained

973 by the [Bail Commission] Court Support Services Division for a period
974 of seven years from the date of application. The [Bail Commission]
975 Court Support Services Division shall transmit to the Department of
976 Motor Vehicles a record of participation in such program for each
977 person who satisfactorily completes such program. The Department of
978 Motor Vehicles shall maintain for a period of seven years the record of
979 a person's participation in such program as part of such person's
980 driving record.

981 (c) At the time the court grants the application for participation in
982 the pretrial alcohol education system, such person shall also pay to the
983 court a nonrefundable program fee of four hundred twenty-five
984 dollars or, if such person was charged with a violation of subdivision
985 (2) of subsection (a) of section 14-227a, where the ratio of alcohol in the
986 blood of such person was sixteen-hundredths of one per cent or more
987 of alcohol, by weight, a nonrefundable program fee of six hundred
988 dollars, except that no person may be excluded from such program for
989 inability to pay such fee, provided (1) such person files with the court
990 an affidavit of indigency or inability to pay, (2) such indigency is
991 confirmed by the [Bail Commission] Court Support Services Division,
992 and (3) the court enters a finding thereof. If the court denies the
993 application, such person shall not be required to pay the program fee.
994 If the court grants the application, and such person is later determined
995 to be ineligible for participation in such pretrial alcohol education
996 system or fails to complete the assigned program, the program fee
997 shall not be refunded. All such program fees shall be credited to the
998 pretrial account.

999 Sec. 36. Section 54-56i of the general statutes, as amended by section
1000 10 of public act 01-8 of the June special session, is repealed and the
1001 following is substituted in lieu thereof (*Effective October 1, 2002*):

1002 (a) Not later than January 1, 1998, but in no event sooner than the
1003 establishment of the pilot research drug education program under
1004 section 17a-715, the Department of Mental Health and Addiction
1005 Services shall establish a pretrial drug education program for persons

1006 charged with a violation of section 21a-267 or 21a-279.

1007 (b) Upon application by any such person for participation in such
1008 program, the court shall, but only as to the public, order the court file
1009 sealed provided such person states under oath, in open court or before
1010 any person designated by the clerk and duly authorized to administer
1011 oaths, under penalties of perjury, that such person has never had such
1012 program invoked in such person's behalf. A person shall be ineligible
1013 for participation in such pretrial drug education program if such
1014 person has previously participated in the drug education program
1015 established under this section or the pretrial community service labor
1016 program established under section 53a-39c.

1017 (c) The court, after consideration of the recommendation of the
1018 state's attorney, assistant state's attorney or deputy assistant state's
1019 attorney in charge of the case, may, in its discretion, grant such
1020 application. If the court grants such application, it shall refer such
1021 person to the [Bail Commission] Court Support Services Division for
1022 confirmation of the eligibility of the applicant.

1023 (d) Upon confirmation of eligibility, such person shall be referred to
1024 the Department of Mental Health and Addiction Services by the [Bail
1025 Commission] Court Support Services Division for placement in the
1026 drug education program. Any person who enters the program shall
1027 agree: (1) To the tolling of the statute of limitations with respect to such
1028 crime; (2) to a waiver of such person's right to a speedy trial; (3) to any
1029 conditions that may be established by the department concerning
1030 participation in the drug education program including conditions
1031 concerning participation in meetings or sessions of the program; and
1032 (4) to accept placement in a treatment program upon the
1033 recommendation of a provider under contract with the Department of
1034 Mental Health and Addiction Services or placement in a treatment
1035 program that has standards substantially similar to, or higher than, a
1036 program of a provider under contract with the Department of Mental
1037 Health and Addiction Services if the [Bail Commission] Court Support
1038 Services Division deems it appropriate. The department shall require,

1039 as a condition of the assigned program, that such person participate in,
1040 and successfully complete, a community service labor program
1041 established under section 53a-39c for a period of four days.

1042 (e) If the [Bail Commission] Court Support Services Division
1043 informs the court that such person is ineligible for the program and the
1044 court makes a determination of ineligibility or if the program provider
1045 certifies to the court that such person did not successfully complete the
1046 assigned program, the court shall order the court file to be unsealed,
1047 enter a plea of not guilty for such person and immediately place the
1048 case on the trial list.

1049 (f) If such person satisfactorily completes the assigned program,
1050 such person may apply for dismissal of the charges against such
1051 person and the court, on reviewing the record of such person's
1052 participation in such program submitted by the [Bail Commission]
1053 Court Support Services Division and on finding such satisfactory
1054 completion, shall dismiss the charges. If such person does not apply
1055 for dismissal of the charges against such person after satisfactorily
1056 completing the assigned program, the court, upon receipt of the record
1057 of such person's participation in such program submitted by the [Bail
1058 Commission] Court Support Services Division, may on its own motion
1059 make a finding of such satisfactory completion and dismiss the
1060 charges. Upon motion of such person and a showing of good cause,
1061 the court may extend the placement period for a reasonable period for
1062 such person to complete the assigned program. A record of
1063 participation in such program shall be retained by the [Bail
1064 Commission] Court Support Services Division for a period of seven
1065 years from the date of application.

1066 (g) At the time the court grants the application for participation in
1067 the pretrial drug education program, such person shall pay to the court
1068 a nonrefundable program fee of three hundred fifty dollars, except that
1069 no person may be excluded from such program for inability to pay
1070 such fee, provided (1) such person files with the court an affidavit of
1071 indigency or inability to pay, (2) such indigency or inability to pay is

1072 confirmed by the [Bail Commission] Court Support Services Division,
1073 and (3) the court enters a finding thereof. The court may waive all or
1074 any portion of such fee depending on such person's ability to pay. If
1075 the court denies the application, such person shall not be required to
1076 pay the program fee. If the court grants the application, and such
1077 person is later determined to be ineligible for participation in such
1078 pretrial drug education program or fails to complete the assigned
1079 program, the three-hundred-fifty-dollar program fee shall not be
1080 refunded. All such program fees shall be credited to the pretrial
1081 account.

1082 (h) The Department of Mental Health and Addiction Services shall
1083 develop standards and oversee appropriate drug education programs
1084 to meet the requirements of this section and may contract with service
1085 providers to provide such programs. The department shall adopt
1086 regulations, in accordance with chapter 54, to establish standards for
1087 such drug education programs.

1088 (i) Any person whose employment or residence or schooling makes
1089 it unreasonable to attend a drug program in this state may attend a
1090 program in another state that has standards similar to, or higher than,
1091 those of this state, subject to the approval of the court and payment of
1092 the program fee as provided in this section.

1093 Sec. 37. Section 54-56m of the general statutes is repealed and the
1094 following is substituted in lieu thereof (*Effective October 1, 2002*):

1095 (a) There shall be established, in [the geographical area of the
1096 Superior Court for the towns of Berlin, New Britain, Newington,
1097 Rocky Hill and Wethersfield, the geographical area of the superior
1098 court for the towns of Bethlehem, Middlebury, Naugatuck, Prospect,
1099 Southbury, Watertown, Wolcott, Woodbury and Waterbury and such
1100 other] such geographical areas of the Superior Court as the Chief Court
1101 Administrator may designate, programs of mediation wherein the
1102 court may refer a criminal prosecution to mediation for resolution. For
1103 the purposes of this section, "mediation" means the process where two
1104 or more persons to a dispute agree to meet with an impartial third

1105 party to work toward a resolution of the dispute which is satisfactory
1106 to all parties in accordance with principles of mediation commonly
1107 used in labor management disputes.

1108 (b) If mediation is successful, the prosecuting authority, upon
1109 recommendation of the family relations counselor or mediation officer,
1110 shall enter a nolle prosequi and the prosecution shall be terminated
1111 and the defendant released from custody.

1112 (c) If mediation is unsuccessful or the defendant fails to comply
1113 with the terms of any mediation agreement, the family relations or
1114 mediation officer shall notify the prosecuting authority and
1115 prosecution of the defendant may be initiated.

1116 (d) There shall be established, in [the Family Division of the
1117 Superior Court in the two geographical areas enumerated in
1118 subsection (a) and in each geographical area of the Superior Court
1119 designated by the Chief Court Administrator, a unit] such
1120 geographical areas of the Superior Court as the Chief Court
1121 Administrator may designate, units to provide mediation services in
1122 cases referred by the court to mediation. In addition, mediation
1123 services in cases referred by the court to mediation may also be
1124 provided by private agencies under contract with the Judicial
1125 Department.

1126 Sec. 38. Section 54-63a of the general statutes is repealed and the
1127 following is substituted in lieu thereof (*Effective October 1, 2002*):

1128 As used in sections 54-63a to 54-63g, inclusive, and section 54-64a,
1129 "arrested person" means a person taken into custody for violation of
1130 any law, ordinance, regulation or bylaw of the state or of any town,
1131 city, borough, district or municipal corporation or authority, [; "Bail
1132 Commission" means the commission created in section 54-63b] and
1133 "Court Support Services Division" means the division of the Judicial
1134 Department established pursuant to section 51-1d.

1135 Sec. 39. Section 54-63b of the general statutes is repealed and the

1136 following is substituted in lieu thereof (*Effective October 1, 2002*):

1137 [(a) There shall be, within the Judicial Department, the Office of the
1138 Bail Commission, the duties of which shall be] The duties of the Court
1139 Support Services Division shall include: (1) To promptly interview,
1140 prior to arraignment, any person referred by the police pursuant to
1141 section 54-63c or by a judge. Such interview shall include, but not be
1142 limited to, information concerning the accused person, his or her
1143 family, community ties, prior criminal record and physical and mental
1144 condition; (2) to seek independent verification of information obtained
1145 during the interview, if practicable; (3) to determine, as provided in
1146 section 54-63d, as amended by this act, or to make recommendations
1147 on request of any judge, concerning the terms and conditions of the
1148 release of arrested persons from custody pending final disposition of
1149 their cases; (4) to prepare a written report on all persons interviewed
1150 and, upon request and pursuant to the procedures established under
1151 subsection (f) of section 54-63d, as amended by this act, provide copies
1152 of the report to the court, defense counsel and state's attorney. Such
1153 report shall contain the information obtained during the interview and
1154 verification process, the person's prior criminal record, where possible,
1155 and the determination or recommendation of the commissioner
1156 pursuant to section 54-63d, as amended by this act, concerning the
1157 terms and conditions of the release of the persons so interviewed; (5) to
1158 give prior notice of each required court appearance to each person
1159 released following an interview by [the Bail Commission] a bail
1160 commissioner; (6) to supervise pursuant to the direction of the court
1161 those persons released on nonfinancial conditions; (7) to inform the
1162 court and the state's attorney of any failure to comply with terms and
1163 conditions of release, including the arrest of persons released under its
1164 supervision; (8) to monitor, evaluate and provide information
1165 concerning terms and conditions of release and the release criteria
1166 established under subdivision (2) of subsection (c) of this section, to
1167 prepare periodic reports on its activities, and to provide such other
1168 information as is needed to assist in the improvement of the pretrial
1169 release process; (9) to perform such other functions as the Chief Court
1170 Administrator may, from time to time, assign.

1171 [(b) The judges of the Superior Court or an authorized committee
1172 thereof shall appoint, for such term and at such compensation as said
1173 judges may establish, a Chief Bail Commissioner and an Assistant
1174 Chief Bail Commissioner.

1175 (c) The full-time duties of the Chief Bail Commissioner shall be: (1)
1176 To supervise and direct the operation of the Office of the Bail
1177 Commission; (2) to establish written uniform, weighted release criteria
1178 based upon the premise that the least restrictive condition or
1179 conditions of release necessary to insure the appearance in court of the
1180 defendant is the pretrial release alternative of choice. Such criteria shall
1181 be based on, but not be limited to, the following considerations: (A)
1182 The nature and circumstances of the offense insofar as they are
1183 relevant to the risk of nonappearance, (B) the defendant's record of
1184 previous convictions, (C) the defendant's past record of appearance in
1185 court after being admitted to bail, (D) the defendant's family ties, (E)
1186 the defendant's employment record, (F) the defendant's financial
1187 resources, character and mental condition, and (G) the defendant's
1188 community ties; (3) to establish data collection procedures which will
1189 carry out the responsibilities and duties established under subdivision
1190 (8) of subsection (a) of this section; (4) to develop procedures which
1191 will insure that Bail Commission staff are available to make release
1192 decisions at all times as required by this section; (5) to submit to the
1193 Chief Court Administrator or his designee, between May first and June
1194 first of each year, a report of the activities of the commission, for the
1195 twelve months preceding such May first, which shall include an
1196 evaluation of the agency in implementing the purposes of sections 54-
1197 63a to 54-63g, inclusive. Such report shall be a public record.

1198 (d) The judges of the Superior Court or an authorized committee
1199 thereof shall also appoint such bail commissioners, assistant bail
1200 commissioners and other personnel as are necessary. All bail
1201 commissioners, assistant bail commissioners and other personnel shall
1202 meet qualifications to be set by the judges of the Supreme Court. Bail
1203 commissioners, assistant bail commissioners and other personnel
1204 appointed prior to July 1, 1981, shall have until January 1, 1986, to meet

1205 such qualifications.]

1206 Sec. 40. Section 54-63d of the general statutes is repealed and the
1207 following is substituted in lieu thereof (*Effective October 1, 2002*):

1208 (a) (1) Upon notification by a police officer pursuant to section 54-
1209 63c that an arrested person has not posted bail, a bail commissioner
1210 shall promptly conduct an interview and investigation as specified in
1211 subdivisions (1) and (2) of [subsection (a) of] section 54-63b, as
1212 amended by this act, and, based upon the criteria [established
1213 pursuant to subdivision (2) of subsection (c) of section 54-63b] set forth
1214 in subdivision (2) of this subsection and except as provided in
1215 subsection (b) of this section, the bail commissioner shall promptly
1216 order release of such person on the first of the following conditions of
1217 release found sufficient to provide reasonable assurance of the person's
1218 appearance in court: [(1)] (A) Upon the execution of a written promise
1219 to appear without special conditions; [(2)] (B) upon the execution of a
1220 written promise to appear with any of the nonfinancial conditions as
1221 specified in subsection [(b)] (c) of this section; [(3)] (C) upon the
1222 execution of a bond without surety in no greater amount than
1223 necessary; [(4)] or (D) upon the execution of a bond with surety in no
1224 greater amount than necessary. If the person is unable to meet the
1225 conditions of release ordered by the bail commissioner, the bail
1226 commissioner shall so inform the court in a report prepared pursuant
1227 to subdivision (4) of [subsection (a) of] section 54-63b, as amended by
1228 this act.

1229 (2) Prior to ordering release of an arrested person pursuant to
1230 subdivision (1) of this subsection, the bail commissioner shall consider
1231 the following: (A) The nature and circumstances of the offense insofar
1232 as they are relevant to the risk of nonappearance; (B) the arrested
1233 person's record of previous convictions; (C) the arrested person's past
1234 record of appearance in court after being admitted to bail; (D) the
1235 arrested person's family ties; (E) the arrested person's employment
1236 record; (F) the arrested person's financial resources, character and
1237 mental condition; and (G) the arrested person's community ties.

1238 (b) No person shall be released upon the execution of a written
1239 promise to appear or the execution of a bond without surety if the
1240 person is charged with the commission of a family violence crime, as
1241 defined in section 46b-38a, and in the commission of such crime the
1242 person used or threatened the use of a firearm.

1243 (c) In addition to or in conjunction with any of the conditions
1244 enumerated in [subdivisions (1) to (4), inclusive,] subparagraphs (A) to
1245 (D), inclusive, of subdivision (1) of subsection (a) of this section, the
1246 bail commissioner may impose nonfinancial conditions of release,
1247 which may require that the arrested person do any of the following: (1)
1248 Remain under the supervision of a designated person or organization;
1249 (2) comply with specified restrictions on the person's travel, association
1250 or place of abode; (3) not engage in specified activities, including the
1251 use or possession of a dangerous weapon, an intoxicant or controlled
1252 substance; (4) participate in the zero-tolerance drug supervision
1253 program established under section 53a-39d; (5) avoid all contact with
1254 an alleged victim of the crime and with a potential witness who may
1255 testify concerning the offense; or (6) satisfy any other condition that is
1256 reasonably necessary to assure the appearance of the person in court.
1257 Any of the conditions imposed under subsection (a) of this section and
1258 this subsection by the bail commissioner shall be effective until the
1259 appearance of such person in court.

1260 (d) The police department shall promptly comply with the order of
1261 release of the bail commissioner, except that if the department objects
1262 to the order or any of its conditions, the department shall promptly so
1263 advise a state's attorney or assistant state's attorney, the bail
1264 commissioner and the arrested person. The state's attorney or assistant
1265 state's attorney may authorize the police department to delay release,
1266 until a hearing can be had before the court then sitting for the
1267 geographical area which includes the municipality in which the
1268 arrested person is being detained or, if the court is not then sitting,
1269 until the next sitting of said court. When cash bail in excess of ten
1270 thousand dollars is received for a detained person accused of a felony,
1271 where the underlying facts and circumstances of the felony involve the

1272 use, attempted use or threatened use of physical force against another
1273 person, the police department shall prepare a report that contains (1)
1274 the name, address and taxpayer identification number of the accused
1275 person, (2) the name, address and taxpayer identification number of
1276 each person offering the cash bail, other than a person licensed as a
1277 professional bondsman under chapter 533 or a surety bail bond agent
1278 under chapter 700f, (3) the amount of cash received, and (4) the date
1279 the cash was received. Not later than fifteen days after receipt of such
1280 cash bail, the police department shall file the report with the
1281 Department of Revenue Services and mail a copy of the report to the
1282 state's attorney for the judicial district in which the alleged offense was
1283 committed and to each person offering the cash bail.

1284 (e) Except as provided in subsections (f) and (g) of this section, all
1285 information provided to the [Office of the Bail Commission] Court
1286 Support Services Division shall be for the sole purpose of determining
1287 and recommending the conditions of release, and shall otherwise be
1288 confidential and retained in the files of the [Office of the Bail
1289 Commission] Court Support Services Division, and not be subject to
1290 subpoena or other court process for use in any other proceeding or for
1291 any other purpose.

1292 (f) The [Chief Bail Commissioner] Court Support Services Division
1293 shall establish written procedures for the release of information
1294 contained in reports and files of the [Office of the Bail Commission]
1295 Court Support Services Division, such procedures to be approved by
1296 the executive committee of the judges of the Superior Court. Such
1297 procedures shall allow access to (1) nonidentifying information by
1298 qualified persons for purposes of research related to the administration
1299 of criminal justice; (2) all information provided to the [Office of the Bail
1300 Commission] Court Support Services Division by probation officers for
1301 the purposes of compiling presentence reports; and (3) all information
1302 provided to the [Office of the Bail Commission] Court Support
1303 Services Division concerning any person convicted of a crime and held
1304 in custody by the Department of Correction.

1305 (g) Any files and reports held by the [Office of the Bail Commission]
1306 Court Support Services Division may be [disclosed to (1) the Office of
1307 Adult Probation for the purposes of conducting investigations
1308 required under sections 54-76d and 54-91a and of supervising persons
1309 placed on probation, (2) the Family Division of the Superior Court for
1310 the purpose of preparing written or oral reports required under
1311 subsections (c) and (d) of section 46b-38c, and (3) agencies and
1312 organizations under contract with the Office of Alternative Sanctions
1313 for the purpose of monitoring arrested persons referred under
1314 subsection (c) of this section or subsection (c) of section 54-64a]
1315 accessed and disclosed by employees of the division in accordance
1316 with policies and procedures adopted by the Chief Court
1317 Administrator.

1318 Sec. 41. Subsection (b) of section 54-76l of the general statutes is
1319 repealed and the following is substituted in lieu thereof (*Effective*
1320 *October 1, 2002*):

1321 (b) The records of any youth adjudged a youthful offender on or
1322 after October 1, 1995, or any part thereof, may be disclosed to and
1323 between individuals and agencies, and employees of such agencies,
1324 providing services directly to the youth including law enforcement
1325 officials, state and federal prosecutorial officials, school officials in
1326 accordance with section 10-233h, court officials, the Division of
1327 Criminal Justice, the [Office of Adult Probation, the Office of the Bail
1328 Commission] Court Support Services Division, the Board of Parole and
1329 an advocate appointed pursuant to section 54-221 for a victim of a
1330 crime committed by the youth. Such records shall also be available to
1331 the attorney representing the youth, in any proceedings in which such
1332 records are relevant, to the parents or guardian of such youth, until
1333 such time as the youth reaches the age of majority or is emancipated,
1334 and to the youth upon his emancipation or attainment of the age of
1335 majority, provided proof of the identity of such youth is submitted in
1336 accordance with guidelines prescribed by the Chief Court
1337 Administrator. Such records disclosed pursuant to this subsection shall
1338 not be further disclosed.

1339 Sec. 42. Subsection (e) of section 54-76l of the general statutes is
1340 repealed and the following is substituted in lieu thereof (*Effective*
1341 *October 1, 2002*):

1342 (e) Any reports and files held by the [Office of Adult Probation]
1343 Court Support Services Division regarding any youth adjudged a
1344 youthful offender may be [disclosed to the Office of the Bail
1345 Commission for the purpose of performing the duties contained in
1346 section 54-63b] accessed and disclosed by employees of the division in
1347 accordance with policies and procedures adopted by the Chief Court
1348 Administrator.

1349 Sec. 43. Subsection (d) of section 54-91a of the general statutes is
1350 repealed and the following is substituted in lieu thereof (*Effective*
1351 *October 1, 2002*):

1352 (d) Any information contained in the files or report of an
1353 investigation pursuant to this section shall be available to the [Office of
1354 the Bail Commission] Court Support Services Division for the purpose
1355 of performing the duties contained in section 54-63d, as amended by
1356 this act, and to the Department of Mental Health and Addiction
1357 Services for purposes of diagnosis and treatment.

1358 Sec. 44. Section 54-103b of the general statutes is repealed and the
1359 following is substituted in lieu thereof (*Effective October 1, 2002*):

1360 The [Office of Adult Probation] Court Support Services Division
1361 shall implement liaison with local community service providers
1362 throughout the state for the purpose of improving services delivery for
1363 probation referrals. Contractual services purchased shall be
1364 predominantly for the purpose of, but not limited to, employment,
1365 psychiatric and psychological evaluation and counseling, drug and
1366 alcohol dependency treatment, and other services towards more
1367 effective control and rehabilitation of probation referrals. Other
1368 outside professional service fees consonant with the primary purpose
1369 of improved direct services shall be within the scope of the authority
1370 granted by this section.

1371 Sec. 45. Section 54-104 of the general statutes is repealed and the
1372 following is substituted in lieu thereof (*Effective October 1, 2002*):

1373 [The judges of the Superior Court shall provide and supervise
1374 probation service in criminal cases except in juvenile matters. Such
1375 judges, or an authorized committee thereof, shall appoint a Director of
1376 Probation. Such judges, or an authorized committee thereof,] The
1377 Judicial Department shall conduct qualifying examinations and
1378 establish lists of persons eligible for appointment as probation officers,
1379 [, except for probation officers for juvenile matters, and for
1380 appointments to other positions. Such judges, or an authorized
1381 committee thereof,] The Judicial Department shall prescribe
1382 qualifications for entrance to such examinations and shall establish
1383 rules for conducting them and for the eligibility of candidates for
1384 employment. [Such judges, or an authorized committee thereof,] The
1385 Judicial Department may remove any probation officer or other
1386 employee for cause after notice and an opportunity to be heard.

1387 Sec. 46. Section 54-105 of the general statutes is repealed and the
1388 following is substituted in lieu thereof (*Effective October 1, 2002*):

1389 [(a) The Director of Probation shall be the executive officer of the
1390 Office of Adult Probation. The judges of the Superior Court or an
1391 authorized committee thereof shall, within the limits of available
1392 appropriated funds and subject to the compensation plan established
1393 under section 51-12, appoint and fix the salaries and the date when
1394 such salaries and services shall commence of such number of
1395 probation officers, assistants and other employees as may be necessary
1396 to provide adequate probation service. The director shall supervise
1397 and direct the work]

1398 (a) The executive director of the Court Support Services Division
1399 shall be responsible for the supervision of the probation officers and
1400 other employees and may require reports from them. [He] The
1401 executive director shall (1) formulate methods of investigation,
1402 supervision, record-keeping and reports, [. He shall] (2) compile
1403 statistics on the work of all probation officers, [and shall] (3) maintain a

1404 record of all probationers, (4) perform such other duties as may be
1405 necessary to establish and maintain an efficient probation service in the
1406 Superior Court, [He shall] and (5) prepare and publish such reports as
1407 may be required by the Chief Court Administrator. In the pursuance of
1408 [his duties he] such duties, the executive director shall have access to
1409 the records of probation officers. [He shall maintain a record of all
1410 probationers.]

1411 (b) The [Director of Probation shall establish within the Office of
1412 Adult Probation] Judicial Department shall establish within the Court
1413 Support Services Division an intensive probation program, [which
1414 shall be operated separately from regular probation except that it may
1415 share facilities and administrative services.] The purpose of intensive
1416 probation is to place persons in the community under close
1417 supervision and restriction to ensure public safety, reduce prison
1418 overcrowding and contribute to the rehabilitation of persons in the
1419 program. There shall be periodic testing for drug or alcohol use for
1420 those probationers on intensive probation who have been identified as
1421 having histories of drug or alcohol abuse. Any defendant placed on
1422 intensive probation who fails to comply with the conditions of his
1423 intensive probation shall be presented to the court as provided in
1424 subsection (a) of section 53a-32 for a hearing to be conducted in
1425 accordance with said subsection. If such defendant is found by the
1426 court to have violated any condition of his intensive probation, the
1427 sentencing court or judge may continue such defendant on intensive
1428 probation, modify or enlarge the conditions of intensive probation or
1429 revoke the intensive probation and either require the defendant to
1430 serve the balance of the sentence imposed or impose any lesser
1431 sentence. The executive director of the Court Support Services Division
1432 shall have the same powers and duties with respect to the intensive
1433 probation program as [he] the executive director has with respect to
1434 regular probation under subsection (a) of this section. Persons may be
1435 placed on intensive probation pursuant to an order of a court or judge
1436 under section 53a-30 or 53a-39a, as amended by this act, or as required
1437 by the [Office of Adult Probation] Court Support Services Division.

1438 (c) Subject to the approval of the Chief Court Administrator, the
1439 [Director of Probation] executive director of the Court Support
1440 Services Division may establish within the [Office of Adult Probation]
1441 Court Support Services Division a community service program,
1442 including a community service labor program, which will assign,
1443 supervise and report compliance of persons sentenced to perform
1444 community service as a condition of probation or conditional
1445 discharge. [Prior to the establishment of such a community service
1446 labor program, the Director of Probation shall certify to the Chief
1447 Court Administrator that all anticipated costs of a program sufficient
1448 for the number of eligible persons expected to be assigned to it can be
1449 paid for within available appropriations. If the Director of Probation
1450 establishes such a community service program, said director shall,
1451 subject to the approval of the Chief Court Administrator, contract with
1452 service providers, develop standards and oversee community service
1453 programs to implement such program.]

1454 (d) The [Director of Probation] executive director of the Court
1455 Support Services Division shall establish within the [Office of Adult
1456 Probation] Court Support Services Division a program wherein eighty-
1457 four probation officers shall have a caseload of not more than thirty-
1458 five probationers per officer for the purpose of providing high level
1459 supervision. This program shall be implemented with funds
1460 appropriated pursuant to section 48 of public act 90-213*, provided
1461 such caseload may be increased at the discretion of the [Director of
1462 Probation] executive director if funding for the current service level for
1463 the [Office of Adult Probation] Court Support Services Division is
1464 reduced.

1465 Sec. 47. Section 54-106 of the general statutes is repealed and the
1466 following is substituted in lieu thereof (*Effective October 1, 2002*):

1467 The General Assembly shall provide funds for the salaries and
1468 expenses of [the Director of Probation,] the probation officers and
1469 other employees and the expenses of volunteer aides incurred in
1470 connection with their services to the Judicial Department. A central

1471 office, suitably equipped, shall be provided for the employees by the
1472 Department of Public Works. On requisition by the executive director
1473 of the Court Support Services Division, suitable quarters for the
1474 probation officers and their assistants shall be provided.

1475 Sec. 48. Section 54-123a of the general statutes is repealed and the
1476 following is substituted in lieu thereof (*Effective October 1, 2002*):

1477 [(a) There is established, within available appropriations, an Office
1478 of Alternative Sanctions within the Judicial Department.

1479 (b) The duties and responsibilities of the office shall be to] The Court
1480 Support Services Division shall:

1481 (1) Oversee and coordinate the implementation of alternative
1482 sanctions for both the regular criminal docket and the docket for
1483 juvenile matters of the Superior Court;

1484 (2) Evaluate the effectiveness of alternative sanctions and their
1485 impact on juvenile and adult offenders, prison and jail overcrowding,
1486 court backlogs and community safety;

1487 (3) Plan and establish new alternative sanctions;

1488 (4) Develop criteria for determining the types of offenders
1489 appropriate to receive alternative sanctions and for determining the
1490 effectiveness of those sanctions for specific offender populations;

1491 [(5) Report annually to the General Assembly on its evaluation of
1492 alternative sanctions;]

1493 [(6)] (5) Contract with nonprofit organizations providing alternative
1494 incarceration programs, halfway houses and other similar services;

1495 [(7)] (6) Contract for independent evaluations with respect to the use
1496 of alternative sanctions;

1497 [(8)] (7) Apply for, receive, allocate, disburse and account for grants
1498 of funds made available by the United States, the state, foundations,

1499 corporations and other businesses, agencies or individuals;

1500 [(9)] (8) Enter into agreements with the United States which may be
1501 required to obtain federal funds, and do all things necessary to apply
1502 or qualify for, accept and distribute any state and federal funds
1503 allotted under any federal or state law for alternative incarceration
1504 programs;

1505 [(10)] (9) Enter into contracts and cooperate with local government
1506 units and any combination of such units to carry out the duties
1507 imposed by this section;

1508 [(11)] (10) Enter into agreements necessary, convenient or desirable
1509 for carrying out the purposes of this section with foundations,
1510 agencies, corporations and other businesses or individuals; and

1511 [(12)] (11) Accept gifts or donations of funds, services, materials or
1512 property from any source and use such gifts or donations as is
1513 appropriate to implement the provisions of this section.

1514 Sec. 49. Section 54-123b of the general statutes is repealed and the
1515 following is substituted in lieu thereof (*Effective October 1, 2002*):

1516 There is established an advisory committee to the [Office of
1517 Alternative Sanctions] Court Support Services Division concerning
1518 adult offenders. The committee shall consist of nine members
1519 appointed by the Chief Court Administrator and shall include a
1520 Superior Court judge, representatives from the [Office of Adult
1521 Probation, the Office of the Bail Commission] Court Support Services
1522 Division, the Department of Correction and the Division of Criminal
1523 Justice, representatives of private nonprofit agencies serving offenders
1524 and providing programs of alternative sanctions and public members.

1525 Sec. 50. Section 54-123c of the general statutes is repealed and the
1526 following is substituted in lieu thereof (*Effective October 1, 2002*):

1527 There is established an advisory committee to the [Office of
1528 Alternative Sanctions] Court Support Services Division concerning

1529 juvenile offenders. The committee shall consist of nine members
1530 appointed by the Chief Court Administrator and shall include a
1531 Superior Court judge, representatives from the Department of
1532 Children and Families, the Division of Criminal Justice and the
1533 Division of Public Defender Services, representatives of private
1534 nonprofit agencies serving juvenile offenders and providing programs
1535 of alternative sanctions and public members.

1536 Sec. 51. Subsection (b) of section 54-142g of the general statutes is
1537 repealed and the following is substituted in lieu thereof (*Effective*
1538 *October 1, 2002*):

1539 (b) "Criminal justice agency" means any court with criminal
1540 jurisdiction, the Department of Motor Vehicles [,] or any other
1541 governmental agency created by statute which is authorized by law
1542 and engages, in fact, as its principal function in activities constituting
1543 the administration of criminal justice, [,] including, but not limited to,
1544 organized municipal police departments, the Division of State Police,
1545 the Department of Correction, [Office of Adult Probation,] the Court
1546 Support Services Division, the Office of Policy and Management, the
1547 state's attorneys, assistant state's attorneys [,] and deputy assistant
1548 state's attorneys, the Board of Parole, the Board of Pardons, [bail
1549 commissioners,] the Chief Medical Examiner and the Office of the
1550 Victim Advocate. [It shall also include] "Criminal justice agency"
1551 includes any component of a public, noncriminal justice agency if such
1552 component is created by statute and is authorized by law and, in fact,
1553 engages in activities constituting the administration of criminal justice
1554 as its principal function.

1555 Sec. 52. Section 54-215 of the general statutes is repealed and the
1556 following is substituted in lieu thereof (*Effective October 1, 2002*):

1557 The Office of Victim Services shall establish a Criminal Injuries
1558 Compensation Fund, for the purpose of funding the compensation and
1559 restitution services provided for by this chapter. The fund may contain
1560 any moneys required by law to be deposited in the fund and shall be
1561 held by the Treasurer separate and apart from all other moneys, funds

1562 and accounts. The interest derived from the investment of the fund
1563 shall be credited to the fund. Amounts in the fund may be expended
1564 only pursuant to appropriation by the General Assembly. Any balance
1565 remaining in the fund at the end of any fiscal year shall be carried
1566 forward in the fund for the fiscal year next succeeding. The cost paid
1567 into court under section 54-143 shall be deposited in the General Fund
1568 and shall be credited to and become a part of [said] the Criminal
1569 Injuries Compensation Fund. Any restitution collected by the [Office of
1570 Adult Probation] Court Support Services Division pursuant to section
1571 53a-30, as amended by this act, and which is not disbursed within five
1572 years, because the victim could not be located, shall be deposited in the
1573 Criminal Injuries Compensation Fund. If payment is awarded under
1574 section 54-210 and thereafter the court orders the defendant in the
1575 criminal case from which such injury or death resulted to make
1576 restitution, any money collected as restitution shall be paid to [said]
1577 the fund unless the court directs otherwise. Any administrative costs
1578 related to the operation of [said] the fund, including credits to and
1579 payments of compensation therefrom, shall be paid from [said] the
1580 fund. Administrative costs of providing direct services, the
1581 proportionate share of any fixed costs associated with such services,
1582 the costs of providing direct services to victims and witnesses of
1583 crimes in accordance with subdivision (6) of subsection (b) of section
1584 54-203, and any services offered by the Office of Victim Services to
1585 witnesses and victims of crime may be budgeted for payment from
1586 [said] the fund. The Office of Victim Services may also apply for and
1587 receive moneys for [said] the fund from any federal, state or private
1588 source.

1589 Sec. 53. Subdivision (10) of section 54-250 of the general statutes is
1590 repealed and the following is substituted in lieu thereof (*Effective*
1591 *October 1, 2002*):

1592 (10) "Release into the community" means, with respect to a
1593 conviction or a finding of not guilty by reason of mental disease or
1594 defect of a criminal offense against a victim who is a minor, a
1595 nonviolent sexual offense, a sexually violent offense or a felony found

1596 by the sentencing court to have been committed for a sexual purpose,
1597 (A) any release by a court after such conviction or finding of not guilty
1598 by reason of mental disease or defect, a sentence of probation or any
1599 other sentence under section 53a-28, as amended, that does not result
1600 in the offender's immediate placement in the custody of the
1601 Commissioner of Correction; (B) release from a correctional facility at
1602 the discretion of the Board of Parole, by the Department of Correction
1603 to a program authorized by section 18-100c or upon completion of the
1604 maximum term or terms of the offender's sentence or sentences, or to
1605 the supervision of the [Office of Adult Probation] Court Support
1606 Services Division in accordance with the terms of the offender's
1607 sentence; or (C) release from a hospital for mental illness or a facility
1608 for persons with mental retardation by the Psychiatric Security Review
1609 Board on conditional release pursuant to section 17a-588 or upon
1610 termination of commitment to the Psychiatric Security Review Board.

1611 Sec. 54. Section 54-261 of the general statutes is repealed and the
1612 following is substituted in lieu thereof (*Effective October 1, 2002*):

1613 (a) The [Office of Adult Probation] Court Support Services Division,
1614 in conjunction with state-wide experts in law enforcement, the
1615 treatment of sexual offenders and sexual assault victim services, shall,
1616 within available appropriations, develop a community response
1617 education program to be offered to neighborhoods and municipalities
1618 that have been notified pursuant to section 54-258 that a person who
1619 has registered under said section is or will be residing in that
1620 community.

1621 (b) The purpose of such program shall be to assist neighborhoods,
1622 parents and children to learn how to better protect themselves from
1623 sexual abuse and sexual assault. The program shall develop
1624 educational materials and community information resources on
1625 prevention and risk reduction concerning sexual abuse and sexual
1626 assault and the enforcement of requirements concerning the
1627 registration and supervision of sexual offenders and the notification of
1628 communities where such offenders reside.

1629 (c) The program may include the following:

1630 (1) An initial community meeting following a community
1631 notification, sponsored by the [Office of Adult Probation] Court
1632 Support Services Division and held in conjunction with the chief of
1633 police, chief elected officials, the superintendent of schools and other
1634 municipal officials of the community, to discuss the implementation of
1635 the statutory requirements concerning the registration of a sexual
1636 offender and the notification of the community where such offender
1637 resides, to provide information on the crime or crimes involved and to
1638 provide information on how the offender will be monitored by the
1639 [Office of Adult Probation] Court Support Services Division and the
1640 specific conditions of probation applicable to the offender;

1641 (2) Information on how and where concerned residents may report
1642 observed violations by an offender of the conditions of such offender's
1643 probation;

1644 (3) Resources to educate families and children in the prevention and
1645 avoidance of sexual abuse and sexual assault and for parents seeking
1646 supportive methods for discussing relevant issues with their children;

1647 (4) Resources on when and how a community may wish to establish
1648 a network of "Safe Houses" for neighborhood children to use when
1649 they seek safe shelter or the creation of a neighborhood block watch or
1650 crime watch;

1651 (5) Resources for police departments and boards of education to use
1652 in consulting with parents on appropriate school-based classroom
1653 programs stressing safety, prevention and risk reduction and to use in
1654 developing educational programs for parents to discuss relevant issues
1655 with their children; and

1656 (6) Compilation and distribution of a list of child protective
1657 agencies, child guidance clinics and rape crisis centers for families
1658 seeking more in-depth counseling after a community notification has
1659 occurred.

1660 (d) The [Office of Adult Probation] Court Support Services Division
 1661 may apply for and receive grants from the federal government or any
 1662 agency thereof or from any foundation, corporation, association or
 1663 individual for purposes of the development of the community
 1664 response education program under this section.

1665 Sec. 55. (Effective October 1, 2002) Sections 54-103a, 54-104, 54-106, 54-
 1666 107 and 54-108a of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	October 1, 2002
Sec. 2	October 1, 2002
Sec. 3	October 1, 2002
Sec. 4	October 1, 2002
Sec. 5	October 1, 2002
Sec. 6	October 1, 2002
Sec. 7	October 1, 2002
Sec. 8	October 1, 2002
Sec. 9	October 1, 2002
Sec. 10	October 1, 2002
Sec. 11	October 1, 2002
Sec. 12	October 1, 2002
Sec. 13	October 1, 2002
Sec. 14	October 1, 2002
Sec. 15	October 1, 2002
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Sec. 31	<i>October 1, 2002</i>
Sec. 32	<i>October 1, 2002</i>
Sec. 33	<i>October 1, 2002</i>
Sec. 34	<i>October 1, 2002</i>
Sec. 35	<i>October 1, 2002</i>
Sec. 36	<i>October 1, 2002</i>
Sec. 37	<i>October 1, 2002</i>
Sec. 38	<i>October 1, 2002</i>
Sec. 39	<i>October 1, 2002</i>
Sec. 40	<i>October 1, 2002</i>
Sec. 41	<i>October 1, 2002</i>
Sec. 42	<i>October 1, 2002</i>
Sec. 43	<i>October 1, 2002</i>
Sec. 44	<i>October 1, 2002</i>
Sec. 45	<i>October 1, 2002</i>
Sec. 46	<i>October 1, 2002</i>
Sec. 47	<i>October 1, 2002</i>
Sec. 48	<i>October 1, 2002</i>
Sec. 49	<i>October 1, 2002</i>
Sec. 50	<i>October 1, 2002</i>
Sec. 51	<i>October 1, 2002</i>
Sec. 52	<i>October 1, 2002</i>
Sec. 53	<i>October 1, 2002</i>
Sec. 54	<i>October 1, 2002</i>
Sec. 55	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill amends various statutes to conform with the establishment of the Court Support Services Division that occurred in 1999. These changes are technical in nature and there is no fiscal impact.

OLR Bill Analysis

sHB 5748

AN ACT CONCERNING THE COURT SUPPORT SERVICES DIVISION

SUMMARY:

This bill replaces statutory references to various offices and divisions with Court Support Services Division (CSSD) or the Judicial Department, to reflect the change made by PA 99-215. It also deletes specific provisions on certain jobs in those offices and makes other changes related to PA 99-215.

The bill also eliminates a requirement for establishing criminal mediation programs and mediation units in the Family Division in the geographical areas of the Superior Court for the towns of (1) Berlin, New Britain, Newington, Rocky Hill, and Wethersfield, and (2) Bethlehem, Middlebury, Naugatuck, Prospect, Southbury, Watertown, Wolcott, Woodbury, and Waterbury. As under current law, the chief court administrator can establish these programs in any geographical area he designates.

Under current law, the chief bail commissioner must establish written, uniform, weighed release criteria based on, but not limited to, certain specified items. The bill retains the list of criteria but eliminates the other requirements.

The bill eliminates (1) a requirement that only probation officers in the Office of Adult Probation supervise convicted B and C felons on probation; (2) the duty of the Office of Alternative Sanctions to report annually to the General Assembly on its evaluation of alternative sanctions; and (3) a requirement that the intensive probation program operate separately from regular probation, except for sharing facilities and administrative services.

The bill makes other technical changes and deletes obsolete provisions.

EFFECTIVE DATE: October 1, 2002

COURT SUPPORT SERVICES DIVISION

PA 99-215 established the CSSD within the Judicial Branch, consisting of the Office of Adult Probation, Office of Alternative Sanctions, Office of Bail Commission, Family Division, and Juvenile Detention Services Division. The act dissolved these offices and transferred their functions to CSSD, regardless of any statutory provisions.

The bill replaces references to the following offices with CSSD or the Judicial Department to transfer various duties and responsibilities: (1) Office of Adult Probation, (2) Office of Alternative Sanctions, (3) Bail Commission, (4) Family Division, (5) Family Relations Division of the Superior Court, (6) Juvenile probation unit, and (7) Support Enforcement Services.

Jobs

PA 99-215 also authorized the Judicial Branch to establish job titles and assign units and functions to CSSD to carry out its duties efficiently and effectively.

The bill eliminates provisions on the Superior Court judges or their committee appointing a chief bail commissioner, assistant chief bail commissioner, bail commissioners, assistant bail commissioners, and other necessary personnel. It also eliminates the duties of the chief bail commissioner.

It makes the CSSD executive director, rather than the chief bail commissioner, a member of the Commission on Prison and Jail Overcrowding.

Regarding probation officers, the bill:

1. deletes provisions on judges or their committee supervising probation services, appointing a probation director and probation officers, and the Superior Court judges appointing and setting salaries for officers and employees;
2. gives the Judicial Department, rather than judges or their committee, responsibilities regarding qualifications of probation officers and their removal; and
3. makes the CSSD executive director, rather than the probation director, responsible for supervising probation officers and employees.

Other Provisions

The bill allows CSSD employees to access and disclose information obtained from bail interviews under the chief court administrator's policies and procedures. Current law allows disclosure to specific agencies (which are now part of CSSD) to perform their functions. The bill makes a similar change for reports and files on youthful offenders, which previously could be disclosed to the bail commission to perform its duties.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 41 Nay 0