



General Assembly

February Session, 2002

Raised Bill No. 5748

LCO No. 2517

Referred to Committee on Judiciary

Introduced by:
(JUD)

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2 act 01-7 and section 1 of public act 01-84, is repealed and the following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-28, 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-694, 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] Court Support Services Division of the
312 Superior Court, in accordance with the agreement between the Chief
313 State's Attorney and the Judicial Department, shall establish within
314 each geographical area of the Superior Court a local family violence
315 intervention unit to implement sections 46b-1, 46b-15, as amended,
316 46b-38a to 46b-38f, inclusive, and 54-1g. The [Family Relations] Court
317 Support Services Division shall oversee direct operations of the local
318 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 of the] Judicial Department shall provide
410 staff services to the advisory committee.

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 Section 46b-120 of the general statutes is repealed and the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

413 The terms used in this chapter shall, in its interpretation and in the
414 interpretation of other statutes, be defined as follows: (1) "Child"
415 means any person under sixteen years of age and, for purposes of
416 delinquency matters, "child" means any person (A) under sixteen years
417 of age, or [;] (B) sixteen years of age or older who, prior to attaining
418 sixteen years of age, has violated any federal or state law or municipal
419 or local ordinance, other than an ordinance regulating behavior of a
420 child in a family with service needs, and, subsequent to attaining
421 sixteen years of age, violates any order of the Superior Court or any
422 condition of probation ordered by the Superior Court with respect to
423 such delinquency proceeding; (2) "youth" means any person sixteen to
424 eighteen years of age; (3) "youth in crisis" means any person sixteen to
425 seventeen years of age who, within the last two years, (A) has without
426 just cause run away from the parental home or other properly
427 authorized and lawful place of abode, [;] (B) is beyond the control of
428 parents, guardian or other custodian, [;] or (C) has four unexcused
429 absences from school in any one month or ten unexcused absences in
430 any school year; (4) "abused" means that a child or youth (A) has been
431 inflicted with physical injury or injuries other than by accidental

432 means, or (B) has injuries which are at variance with the history given
433 of them, or (C) is in a condition which is the result of maltreatment
434 such as, but not limited to, malnutrition, sexual molestation or
435 exploitation, deprivation of necessities, emotional maltreatment or
436 cruel punishment; (5) a child may be found "mentally deficient" who,
437 by reason of a deficiency of intelligence, which has existed from birth
438 or from early age, requires, or will require, for his protection or for the
439 protection of others, special care, supervision and control; (6) a child
440 may be convicted as "delinquent" who has violated (A) any federal or
441 state law or municipal or local ordinance, other than an ordinance
442 regulating behavior of a child in a family with service needs, (B) any
443 order of the Superior Court, or (C) conditions of probation as ordered
444 by the court; (7) a child or youth may be found "dependent" whose
445 home is a suitable one for the child or youth, save for the financial
446 inability of parents, parent, guardian or other person maintaining such
447 home, to provide the specialized care the condition of the child or
448 youth requires; (8) [a] "family with service needs" means a family
449 which includes a child who (A) has without just cause run away from
450 the parental home or other properly authorized and lawful place of
451 abode, [;] (B) is beyond the control of parent, parents, guardian or
452 other custodian, [;] (C) has engaged in indecent or immoral conduct, [;]
453 (D) is a truant or habitual truant or who, while in school, has been
454 continuously and overtly defiant of school rules and regulations, [;] or
455 (E) is thirteen years of age or older and has engaged in sexual
456 intercourse with another person and such other person is thirteen
457 years of age or older and not more than two years older or younger
458 than such child; (9) a child or youth may be found "neglected" who (A)
459 has been abandoned, or (B) is being denied proper care and attention,
460 physically, educationally, emotionally or morally, or (C) is being
461 permitted to live under conditions, circumstances or associations
462 injurious to the well-being of the child or youth, or (D) has been
463 abused; (10) a child or youth may be found "uncared for" who is
464 homeless or whose home cannot provide the specialized care which
465 the physical, emotional or mental condition of the child requires. For

466 the purposes of this section, the treatment of any child by an accredited
467 Christian Science practitioner in lieu of treatment by a licensed
468 practitioner of the healing arts, shall not of itself constitute neglect or
469 maltreatment; (11) "delinquent act" means the violation of any federal
470 or state law or municipal or local ordinance, other than an ordinance
471 regulating the behavior of a child in a family with service needs, or the
472 violation of any order of the Superior Court; (12) "serious juvenile
473 offense" means (A) the violation by a child, including attempt or
474 conspiracy to violate sections 21a-277, 21a-278, as amended, 29-33, as
475 amended by this act, 29-34, 29-35, as amended, 53-21, 53-80a, 53-202b,
476 53-202c, 53-390 to 53-392, inclusive, 53a-54a to 53a-57, inclusive, 53a-59
477 to 53a-60c, inclusive, 53a-70 to 53a-71, inclusive, 53a-72b, 53a-86, 53a-92
478 to 53a-94a, inclusive, 53a-95, 53a-101, 53a-102a, 53a-103a, 53a-111 to
479 53a-113, inclusive, subdivision (1) of subsection (a) of section 53a-122,
480 subdivision (3) of subsection (a) of section 53a-123, 53a-134, 53a-135,
481 53a-136a, 53a-166, 53a-167c, as amended, subsection (a) of section
482 53a-174, 53a-196a, 53a-211, 53a-212, 53a-216 or 53a-217b, as amended,
483 or (B) running away, without just cause, from any secure placement
484 other than home while referred as a delinquent child to the [Office of
485 Alternative Sanctions] Court Support Services Division or committed
486 as a delinquent child to the Commissioner of Children and Families for
487 a serious juvenile offense; (13) "serious juvenile offender" means any
488 child convicted as delinquent for commission of a serious juvenile
489 offense; (14) "serious juvenile repeat offender" means any child
490 charged with the commission of any felony if such child has
491 previously been convicted delinquent at any age for two violations of
492 any provision of title 21a, 29, 53 or 53a which is designated as a felony;
493 (15) "alcohol-dependent child" means any child who has a
494 psychoactive substance dependence on alcohol as that condition is
495 defined in the most recent edition of the American Psychiatric
496 Association's "Diagnostic and Statistical Manual of Mental Disorders";
497 and (16) "drug-dependent child" means any child who has a
498 psychoactive substance dependence on drugs as that condition is
499 defined in the most recent edition of the American Psychiatric

500 Association's "Diagnostic and Statistical Manual of Mental Disorders".
501 No child shall be classified as drug dependent who is dependent (A)
502 upon a morphine-type substance as an incident to current medical
503 treatment of a demonstrable physical disorder other than drug
504 dependence, or (B) upon amphetamine-type, ataractic,
505 barbiturate-type, hallucinogenic or other stimulant and depressant
506 substances as an incident to current medical treatment of a
507 demonstrable physical or psychological disorder, or both, other than
508 drug dependence.

509 Sec. 19. Subsection (a) of section 46b-121j of the general statutes is
510 repealed and the following is substituted in lieu thereof (*Effective*
511 *October 1, 2002*):

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

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

520 (a) The [Office of Alternative Sanctions] Court Support Services
521 Division shall be charged with the duty of developing constructive
522 programs for the prevention and reduction of delinquency and crime
523 among juvenile offenders. To that end, the director shall cooperate
524 with other agencies to encourage the establishment of new programs
525 and to provide a continuum of services for juvenile offenders who do
526 not require secure placement. The programs shall be tailored to the
527 type of juvenile including the juvenile's offense history, age, gender,
528 mental health and chemical dependency problem, and other
529 characteristics. The [Office of Alternative Sanctions] Court Support
530 Services Division shall develop programs that provide: (1) Intensive
531 general educational programs, with an individual educational plan for

532 each juvenile; (2) specific educational components in the management
533 of anger and nonviolent conflict resolution; (3) treatment for chemical
534 dependency; (4) mental health screening, assessment and treatment;
535 and (5) sexual offender treatment.

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

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

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

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

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

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

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

- 561 (3) Social services and counseling for female juvenile offenders;
- 562 (4) Training in cognitive skill building;
- 563 (5) A self-supporting entrepreneurship program; and
- 564 (6) A mentoring program designed to match juveniles with positive
565 adult role models.

566 (b) The primary purpose of these projects shall be to provide a
567 network of community services for juvenile offenders. The [Office of
568 Alternative Sanctions] Court Support Services Division shall develop
569 evaluation protocols designed to assess the impact of components of
570 these projects on deterring juvenile crime in the communities where
571 the projects operate. [The Office of Alternative Sanctions shall report to
572 the General Assembly not later than January 1, 1998, on the
573 effectiveness of the program initiatives.]

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

577 (c) Records of cases of juvenile matters involving delinquency
578 proceedings shall be available to (1) [judicial branch] Judicial
579 Department employees who, in the performance of their duties,
580 require access to such records, and (2) employees and authorized
581 agents of state or federal agencies involved in (A) the delinquency
582 proceedings, (B) the provision of services directly to the child, or (C)
583 the design and delivery of treatment programs pursuant to section
584 46b-121j, as amended by this act. Such employees and authorized
585 agents include, but are not limited to, law enforcement officials, state
586 and federal prosecutorial officials, school officials in accordance with
587 section 10-233h, court officials including officials of both the regular
588 criminal docket and the docket for juvenile matters, officials of the
589 Division of Criminal Justice, the Division of Public Defender Services,
590 the Department of Children and Families, the [Office of Adult

591 Probation, the Office of the Bail Commissioner] Court Support Services
592 Division, the Board of Parole and agencies under contract with the
593 [Office of Alternative Sanctions] Judicial Department, and an advocate
594 appointed pursuant to section 54-221 for a victim of a crime committed
595 by the child. Such records shall also be available to (i) the attorney
596 representing the child, including the Division of Public Defender
597 Services, in any proceeding in which such records are relevant, (ii) the
598 parents or guardian of the child, until such time as the subject of the
599 record reaches the age of majority, (iii) the subject of the record, upon
600 submission of satisfactory proof of the subject's identity, pursuant to
601 guidelines prescribed by the Office of the Chief Court Administrator
602 and provided the subject has reached the age of majority, (iv) law
603 enforcement officials and prosecutorial officials conducting legitimate
604 criminal investigations, and (v) a state or federal agency providing
605 services related to the collection of moneys due or funding to support
606 the service needs of eligible juveniles, provided such disclosure shall
607 be limited to that information necessary for the collection of and
608 application for such moneys. Such records disclosed pursuant to this
609 subsection shall not be further disclosed, except that information
610 contained in such records may be disclosed in connection with bail or
611 sentencing reports in open court during criminal proceedings
612 involving the subject of such information.

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

616 (c) The court may order, as a condition of probation, that the child
617 (1) reside with a parent, relative or guardian or in a suitable foster
618 home or other residence approved by the court, (2) attend school and
619 class on a regular basis and comply with school policies on student
620 conduct and discipline, (3) refrain from violating any federal or state
621 law or municipal or local ordinance, (4) undergo any medical or
622 psychiatric evaluation or treatment deemed necessary by the court, (5)
623 submit to random drug or alcohol testing, or both, (6) participate in a

624 program of alcohol or drug treatment, or both, (7) make restitution to
625 the victim of the offense in accordance with subsection (d) of this
626 section, (8) participate in an alternative incarceration program or other
627 program established through the [Office of Alternative Sanctions]
628 Court Support Services Division, (9) participate in a program of
629 community service, and (10) satisfy any other conditions deemed
630 appropriate by the court. The court shall cause a copy of any such
631 order to be delivered to the child, the child's parents or guardian and
632 the child's probation officer.

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

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

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

654 (a) When a juvenile is referred to [juvenile probation] the Court
655 Support Services Division, the [juvenile probation unit] division shall

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

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

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

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

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

690 When a child whose family has been adjudicated as a family with
691 service needs in accordance with section 46b-149 violates any valid
692 order which regulates future conduct of the child made by the court
693 following such an adjudication, a probation officer, on receipt of a
694 complaint setting forth facts alleging such a violation, or on his own
695 motion on the basis of his knowledge of such a violation, may file a
696 petition with the court alleging that the child has committed a
697 delinquent act by reason of having violated a valid court order and
698 setting forth the facts claimed to constitute such a violation. Such child
699 may be processed as any other delinquent child under this chapter,
700 except that (1) such child shall not be held in detention prior to a
701 hearing on such petition for more than seventy-two hours excluding
702 Saturdays, Sundays and holidays; and (2) in entering any order that
703 directs or authorizes placement in a facility under the auspices of the
704 [Office of Alternative Sanctions] Court Support Services Division or
705 commitment to the Department of Children and Families, the judge
706 shall make a determination that there is no less restrictive alternative
707 appropriate to the needs of the child and the community.

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

711 (c) For those communities who have been awarded a grant pursuant
712 to subsection (b) of this section, and established community truancy
713 prevention initiatives, the Chief Court Administrator may establish a
714 truancy or family with service needs docket and the [Office of
715 Alternative Sanctions] Court Support Services Division shall, within
716 available appropriations, make available to such communities the
717 following: (1) A risk and needs assessment tool; and (2) funding for
718 nonjudicial diversion of appropriate truancy cases to youth service
719 bureaus and juvenile review boards. For court sanctioned intervention

720 programs, the [Office of Alternative Sanctions] Court Support Services
721 Division shall: (A) Provide parenting education programs; (B) expand
722 existing programs to serve truancy cases; (C) provide intensive
723 outreach and monitoring, including intensive probation services for
724 chronic truancy cases; (D) provide for mental health assessment and
725 outpatient mental health and substance abuse services; and (E) provide
726 for short-term emergency residential placement for children with
727 multiple referrals to the juvenile court for truancy, being beyond
728 control and for being runaways.

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

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

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

741 (9) "Peace officer" means a member of the Division of State Police
742 within the Department of Public Safety or an organized local police
743 department, a chief inspector or inspector in the Division of Criminal
744 Justice, a state marshal while exercising authority granted under any
745 provision of the general statutes, a judicial marshal in the performance
746 of the duties of a judicial marshal, a conservation officer or special
747 conservation officer, as defined in section 26-5, a constable who
748 performs criminal law enforcement duties, a special policeman
749 appointed under section 29-18, 29-18a or 29-19, an adult probation
750 officer, [appointed under section 54-104,] an official of the Department
751 of Correction authorized by the Commissioner of Correction to make

752 arrests in a correctional institution or facility, any investigator in the
753 investigations unit of the office of the State Treasurer or any special
754 agent of the federal government authorized to enforce the provisions
755 of Title 21 of the United States Code.

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

759 (c) When the court imposes a sentence of conditional discharge the
760 defendant shall be released with respect to the conviction for which the
761 sentence is imposed but shall be subject, during the period of such
762 conditional discharge, to such conditions as the court may determine.
763 The court shall impose the period of conditional discharge authorized
764 by subsection (d) of this section and shall specify, in accordance with
765 section 53a-30, as amended by this act, the conditions to be complied
766 with. When a person is sentenced to a period of probation the court
767 shall impose the period authorized by subsection (d) of this section
768 and may impose any conditions authorized by [said] section 53a-30, as
769 amended by this act. When a person is sentenced to a period of
770 probation, he shall pay to the court a fee of two hundred dollars and
771 shall be placed under the supervision of the [Office of Adult Probation]
772 Court Support Services Division.

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

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

781 Sec. 32. Subsection (b) of section 53a-31 of the general statutes is
782 repealed and the following is substituted in lieu thereof (*Effective*

783 *October 1, 2002*):

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

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

796 (a) In all cases where a defendant has been convicted of a
797 misdemeanor or a felony, other than a capital felony, a class A felony
798 or a violation of section 21a-278, as amended, 21a-278a, 53a-55, 53a-56,
799 53a-56b, 53a-57, 53a-58 or 53a-70b or any other offense for which there
800 is a mandatory minimum sentence which may not be suspended or
801 reduced by the court, after trial or by a plea of guilty without trial, and
802 a term of imprisonment is part of a stated plea agreement or the
803 statutory penalty provides for a term of imprisonment, the court may,
804 in its discretion, order an assessment for placement in an alternate
805 incarceration program [to be conducted by the Office of Adult
806 Probation] under contract with the Judicial Department. If the [Office
807 of Adult Probation] Court Support Services Division recommends
808 placement in an alternate incarceration program, it shall also submit to
809 the court a proposed alternate incarceration plan. Upon completion of
810 the assessment, the court shall determine whether such defendant shall
811 be ordered to participate in such program as an alternative to
812 incarceration. If the court determines that the defendant shall
813 participate in such program, the court shall suspend any sentence of
814 imprisonment and shall make participation in the alternate

815 incarceration program a condition of probation as provided in section
816 53a-30, as amended by this act.

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

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

832 (d) Except as provided in subsection (e) of this section, any
833 defendant who enters such program shall pay to the court a
834 participation fee of one hundred dollars. Any defendant who enters
835 such program shall agree to the tolling of any statute of limitations
836 with respect to such crime and to a waiver of the right to a speedy trial.
837 Any such defendant shall appear in court and shall, under such
838 conditions as the court shall order, be released to the custody of the
839 [Office of Adult Probation] Court Support Services Division, except
840 that, if a criminal docket for drug-dependent persons has been
841 established pursuant to section 51-181b in the judicial district, such
842 defendant may be transferred, under such conditions as the court shall
843 order, to the court handling such docket for supervision by such court.
844 If the defendant refuses to accept, or, having accepted, violates such
845 conditions, the defendant's case shall be brought to trial. The period of
846 such probation or supervision, or both, shall not exceed two years. The

847 court may order that as a condition of such probation the defendant
848 participate in the zero-tolerance drug supervision program established
849 pursuant to section 53a-39d. If the defendant has reached the age of
850 sixteen years but has not reached the age of eighteen years, the court
851 may order that as a condition of such probation the defendant be
852 referred for services to a youth service bureau established pursuant to
853 section 17a-39, provided the court finds, through an assessment by a
854 youth service bureau or its designee, that the defendant is in need of
855 and likely to benefit from such services. When determining any
856 conditions of probation to order for a person entering such program
857 who was charged with a misdemeanor that did not involve the use,
858 attempted use or threatened use of physical force against another
859 person or a motor vehicle violation, the court shall consider ordering
860 the person to perform community service in the community in which
861 the offense or violation occurred. If the court determines that
862 community service is appropriate, such community service may be
863 implemented by a community court established in accordance with
864 section 51-181c if the offense or violation occurred within the
865 jurisdiction of a community court established by said section. If the
866 defendant is charged with a violation of section 46a-58, 53-37a, 53a-
867 181j, 53a-181k or 53a-181l, the court may order that as a condition of
868 such probation the defendant participate in a hate crimes diversion
869 program as provided in subsection (e) of this section.

870 (e) If the court orders the defendant to participate in a hate crimes
871 diversion program as a condition of probation, the defendant shall pay
872 to the court a participation fee of four hundred twenty-five dollars. No
873 person may be excluded from such program for inability to pay such
874 fee, provided (1) such person files with the court an affidavit of
875 indigency or inability to pay, (2) such indigency or inability to pay is
876 confirmed by the [Office of Adult Probation] Court Support Services
877 Division, and (3) the court enters a finding thereof. The [Office of
878 Adult Probation] Court Support Services Division shall contract with
879 service providers, develop standards and oversee appropriate hate
880 crimes diversion programs to meet the requirements of this section.

881 Any defendant whose employment or residence makes it unreasonable
882 to attend a hate crimes diversion program in this state may attend a
883 program in another state which has standards substantially similar to,
884 or higher than, those of this state, subject to the approval of the court
885 and payment of the application and program fees as provided in this
886 section. The hate crimes diversion program shall consist of an
887 educational program and supervised community service.

888 (f) If a defendant released to the custody of the [Office of Adult
889 Probation] Court Support Services Division satisfactorily completes
890 such defendant's period of probation, such defendant may apply for
891 dismissal of the charges against such defendant and the court, on
892 finding such satisfactory completion, shall dismiss such charges. If the
893 defendant does not apply for dismissal of the charges against such
894 defendant after satisfactorily completing such defendant's period of
895 probation, the court, upon receipt of a report submitted by the [Office
896 of Adult Probation] Court Support Services Division that the
897 defendant satisfactorily completed such defendant's period of
898 probation, may on its own motion make a finding of such satisfactory
899 completion and dismiss such charges. If a defendant transferred to the
900 court handling the criminal docket for drug-dependent persons
901 satisfactorily completes such defendant's period of supervision, the
902 court shall release the defendant to the custody of the [Office of Adult
903 Probation] Court Support Services Division under such conditions as
904 the court shall order or shall dismiss such charges. Upon dismissal, all
905 records of such charges shall be erased pursuant to section 54-142a. An
906 order of the court denying a motion to dismiss the charges against a
907 defendant who has completed such defendant's period of probation or
908 supervision or terminating the participation of a defendant in such
909 program shall be a final judgment for purposes of appeal.

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

914 (b) The court, after consideration of the recommendation of the
915 state's attorney, assistant state's attorney or deputy assistant state's
916 attorney in charge of the case, may, in its discretion, grant such
917 application. If the court grants such application, it shall refer such
918 person to the [Bail Commission] Court Support Services Division for
919 assessment and confirmation of the eligibility of the applicant. The
920 [Bail Commission] Court Support Services Division, in making its
921 assessment and confirmation, may rely on the representations made by
922 the applicant under oath in open court with respect to convictions in
923 other states of offenses specified in subsection (a) of this section. Upon
924 confirmation of eligibility, the defendant shall be referred to the
925 Department of Mental Health and Addiction Services by the [Bail
926 Commission] Court Support Services Division for evaluation and
927 placement in an appropriate alcohol program for one year. Any person
928 who enters the system shall agree: (1) To the tolling of the statute of
929 limitations with respect to such crime, (2) to a waiver of such person's
930 right to a speedy trial, (3) to participate in at least ten counseling
931 sessions in an alcohol program pursuant to this section or, if such
932 person was charged with a violation of subdivision (2) of subsection
933 (a) of section 14-227a, where the ratio of alcohol in the blood of such
934 person was sixteen-hundredths of one per cent or more of alcohol, by
935 weight, to participate in at least fifteen counseling sessions in an
936 alcohol program pursuant to this section, and complete the assigned
937 program, (4) to accept placement in a treatment program upon
938 recommendation of a provider under contract with the Department of
939 Mental Health and Addiction Services pursuant to subsection (d) of
940 this section or placement in a treatment program which has standards
941 substantially similar to, or higher than, a program of a provider under
942 contract with the Department of Mental Health and Addiction Services
943 if the [Bail Commission] Court Support Services Division deems it
944 appropriate, and (5) if ordered by the court, to participate in at least
945 one victim impact panel. The suspension of the motor vehicle
946 operator's license of any such person pursuant to section 14-227b shall
947 be effective during the period such person is participating in such

948 program, provided such person shall have the option of not
949 commencing the participation in such program until the period of such
950 suspension is completed. If the [Bail Commission] Court Support
951 Services Division informs the court that the defendant is ineligible for
952 the system and the court makes a determination of ineligibility or if the
953 program provider certifies to the court that the defendant did not
954 successfully complete the assigned program or is no longer amenable
955 to treatment, the court shall order the court file to be unsealed, enter a
956 plea of not guilty for such defendant and immediately place the case
957 on the trial list. If such defendant satisfactorily completes the assigned
958 program, such defendant may apply for dismissal of the charges
959 against such defendant and the court, on reviewing the record of the
960 defendant's participation in such program submitted by the [Bail
961 Commission] Court Support Services Division and on finding such
962 satisfactory completion, shall dismiss the charges. If the defendant
963 does not apply for dismissal of the charges against such defendant
964 after satisfactorily completing the assigned program the court, upon
965 receipt of the record of the defendant's participation in such program
966 submitted by the [Bail Commission] Court Support Services Division,
967 may on its own motion make a finding of such satisfactory completion
968 and dismiss the charges. Upon motion of the defendant and a showing
969 of good cause, the court may extend the one-year placement period for
970 a reasonable period for the defendant to complete the assigned
971 program. A record of participation in such program shall be retained
972 by the [Bail Commission] Court Support Services Division for a period
973 of seven years from the date of application. The [Bail Commission]
974 Court Support Services Division shall transmit to the Department of
975 Motor Vehicles a record of participation in such program for each
976 person who satisfactorily completes such program. The Department of
977 Motor Vehicles shall maintain for a period of seven years the record of
978 a person's participation in such program as part of such person's
979 driving record.

980 (c) At the time the court grants the application for participation in
981 the pretrial alcohol education system, such person shall also pay to the

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

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

1001 (a) Not later than January 1, 1998, but in no event sooner than the
1002 establishment of the pilot research drug education program under
1003 section 17a-715, the Department of Mental Health and Addiction
1004 Services shall establish a pretrial drug education program for persons
1005 charged with a violation of section 21a-267 or 21a-279.

1006 (b) Upon application by any such person for participation in such
1007 program, the court shall, but only as to the public, order the court file
1008 sealed provided such person states under oath, in open court or before
1009 any person designated by the clerk and duly authorized to administer
1010 oaths, under penalties of perjury, that such person has never had such
1011 program invoked in such person's behalf. A person shall be ineligible
1012 for participation in such pretrial drug education program if such
1013 person has previously participated in the drug education program

1014 established under this section or the pretrial community service labor
1015 program established under section 53a-39c.

1016 (c) The court, after consideration of the recommendation of the
1017 state's attorney, assistant state's attorney or deputy assistant state's
1018 attorney in charge of the case, may, in its discretion, grant such
1019 application. If the court grants such application, it shall refer such
1020 person to the [Bail Commission] Court Support Services Division for
1021 confirmation of the eligibility of the applicant.

1022 (d) Upon confirmation of eligibility, such person shall be referred to
1023 the Department of Mental Health and Addiction Services by the [Bail
1024 Commission] Court Support Services Division for placement in the
1025 drug education program. Any person who enters the program shall
1026 agree: (1) To the tolling of the statute of limitations with respect to such
1027 crime; (2) to a waiver of such person's right to a speedy trial; (3) to any
1028 conditions that may be established by the department concerning
1029 participation in the drug education program including conditions
1030 concerning participation in meetings or sessions of the program; and
1031 (4) to accept placement in a treatment program upon the
1032 recommendation of a provider under contract with the Department of
1033 Mental Health and Addiction Services or placement in a treatment
1034 program that has standards substantially similar to, or higher than, a
1035 program of a provider under contract with the Department of Mental
1036 Health and Addiction Services if the [Bail Commission] Court Support
1037 Services Division deems it appropriate. The department shall require,
1038 as a condition of the assigned program, that such person participate in,
1039 and successfully complete, a community service labor program
1040 established under section 53a-39c for a period of four days.

1041 (e) If the [Bail Commission] Court Support Services Division
1042 informs the court that such person is ineligible for the program and the
1043 court makes a determination of ineligibility or if the program provider
1044 certifies to the court that such person did not successfully complete the
1045 assigned program, the court shall order the court file to be unsealed,

1046 enter a plea of not guilty for such person and immediately place the
1047 case on the trial list.

1048 (f) If such person satisfactorily completes the assigned program,
1049 such person may apply for dismissal of the charges against such
1050 person and the court, on reviewing the record of such person's
1051 participation in such program submitted by the [Bail Commission]
1052 Court Support Services Division and on finding such satisfactory
1053 completion, shall dismiss the charges. If such person does not apply
1054 for dismissal of the charges against such person after satisfactorily
1055 completing the assigned program, the court, upon receipt of the record
1056 of such person's participation in such program submitted by the [Bail
1057 Commission] Court Support Services Division, may on its own motion
1058 make a finding of such satisfactory completion and dismiss the
1059 charges. Upon motion of such person and a showing of good cause,
1060 the court may extend the placement period for a reasonable period for
1061 such person to complete the assigned program. A record of
1062 participation in such program shall be retained by the [Bail
1063 Commission] Court Support Services Division for a period of seven
1064 years from the date of application.

1065 (g) At the time the court grants the application for participation in
1066 the pretrial drug education program, such person shall pay to the court
1067 a nonrefundable program fee of three hundred fifty dollars, except that
1068 no person may be excluded from such program for inability to pay
1069 such fee, provided (1) such person files with the court an affidavit of
1070 indigency or inability to pay, (2) such indigency or inability to pay is
1071 confirmed by the [Bail Commission] Court Support Services Division,
1072 and (3) the court enters a finding thereof. The court may waive all or
1073 any portion of such fee depending on such person's ability to pay. If
1074 the court denies the application, such person shall not be required to
1075 pay the program fee. If the court grants the application, and such
1076 person is later determined to be ineligible for participation in such
1077 pretrial drug education program or fails to complete the assigned
1078 program, the three-hundred-fifty-dollar program fee shall not be

1079 refunded. All such program fees shall be credited to the pretrial
1080 account.

1081 (h) The Department of Mental Health and Addiction Services shall
1082 develop standards and oversee appropriate drug education programs
1083 to meet the requirements of this section and may contract with service
1084 providers to provide such programs. The department shall adopt
1085 regulations, in accordance with chapter 54, to establish standards for
1086 such drug education programs.

1087 (i) Any person whose employment or residence or schooling makes
1088 it unreasonable to attend a drug program in this state may attend a
1089 program in another state that has standards similar to, or higher than,
1090 those of this state, subject to the approval of the court and payment of
1091 the program fee as provided in this section.

1092 Sec. 37. Section 54-56m of the general statutes is repealed and the
1093 following is substituted in lieu thereof (*Effective October 1, 2002*):

1094 (a) There shall be established, in [the geographical area of the
1095 Superior Court for the towns of Berlin, New Britain, Newington,
1096 Rocky Hill and Wethersfield, the geographical area of the superior
1097 court for the towns of Bethlehem, Middlebury, Naugatuck, Prospect,
1098 Southbury, Watertown, Wolcott, Woodbury and Waterbury and such
1099 other] such geographical areas of the Superior Court as the Chief Court
1100 Administrator may designate, programs of mediation wherein the
1101 court may refer a criminal prosecution to mediation for resolution. For
1102 the purposes of this section, "mediation" means the process where two
1103 or more persons to a dispute agree to meet with an impartial third
1104 party to work toward a resolution of the dispute which is satisfactory
1105 to all parties in accordance with principles of mediation commonly
1106 used in labor management disputes.

1107 (b) If mediation is successful, the prosecuting authority, upon
1108 recommendation of the family relations counselor or mediation officer,
1109 shall enter a nolle prosequi and the prosecution shall be terminated

1110 and the defendant released from custody.

1111 (c) If mediation is unsuccessful or the defendant fails to comply
1112 with the terms of any mediation agreement, the family relations or
1113 mediation officer shall notify the prosecuting authority and
1114 prosecution of the defendant may be initiated.

1115 (d) There shall be established, in [the Family Division of the
1116 Superior Court in the two geographical areas enumerated in
1117 subsection (a) and in each geographical area of the Superior Court
1118 designated by the Chief Court Administrator, a unit] such
1119 geographical areas of the Superior Court as the Chief Court
1120 Administrator may designate, units to provide mediation services in
1121 cases referred by the court to mediation. In addition, mediation
1122 services in cases referred by the court to mediation may also be
1123 provided by private agencies under contract with the Judicial
1124 Department.

1125 Sec. 38. Section 54-63a of the general statutes is repealed and the
1126 following is substituted in lieu thereof (*Effective October 1, 2002*):

1127 As used in sections 54-63a to 54-63g, inclusive, and section 54-64a,
1128 "arrested person" means a person taken into custody for violation of
1129 any law, ordinance, regulation or bylaw of the state or of any town,
1130 city, borough, district or municipal corporation or authority, [; "Bail
1131 Commission" means the commission created in section 54-63b] and
1132 "Court Support Services Division" means the division of the Judicial
1133 Department established pursuant to section 51-1d.

1134 Sec. 39. Section 54-63b of the general statutes is repealed and the
1135 following is substituted in lieu thereof (*Effective October 1, 2002*):

1136 [(a) There shall be, within the Judicial Department, the Office of the
1137 Bail Commission, the duties of which shall be] The duties of the Court
1138 Support Services Division shall include: (1) To promptly interview,
1139 prior to arraignment, any person referred by the police pursuant to

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

1170 [(b) The judges of the Superior Court or an authorized committee
1171 thereof shall appoint, for such term and at such compensation as said
1172 judges may establish, a Chief Bail Commissioner and an Assistant
1173 Chief Bail Commissioner.

1174 (c) The full-time duties of the Chief Bail Commissioner shall be: (1)
1175 To supervise and direct the operation of the Office of the Bail
1176 Commission; (2) to establish written uniform, weighted release criteria
1177 based upon the premise that the least restrictive condition or
1178 conditions of release necessary to insure the appearance in court of the
1179 defendant is the pretrial release alternative of choice. Such criteria shall
1180 be based on, but not be limited to, the following considerations: (A)
1181 The nature and circumstances of the offense insofar as they are
1182 relevant to the risk of nonappearance, (B) the defendant's record of
1183 previous convictions, (C) the defendant's past record of appearance in
1184 court after being admitted to bail, (D) the defendant's family ties, (E)
1185 the defendant's employment record, (F) the defendant's financial
1186 resources, character and mental condition, and (G) the defendant's
1187 community ties; (3) to establish data collection procedures which will
1188 carry out the responsibilities and duties established under subdivision
1189 (8) of subsection (a) of this section; (4) to develop procedures which
1190 will insure that Bail Commission staff are available to make release
1191 decisions at all times as required by this section; (5) to submit to the
1192 Chief Court Administrator or his designee, between May first and June
1193 first of each year, a report of the activities of the commission, for the
1194 twelve months preceding such May first, which shall include an
1195 evaluation of the agency in implementing the purposes of sections 54-
1196 63a to 54-63g, inclusive. Such report shall be a public record.

1197 (d) The judges of the Superior Court or an authorized committee
1198 thereof shall also appoint such bail commissioners, assistant bail
1199 commissioners and other personnel as are necessary. All bail
1200 commissioners, assistant bail commissioners and other personnel shall
1201 meet qualifications to be set by the judges of the Supreme Court. Bail
1202 commissioners, assistant bail commissioners and other personnel
1203 appointed prior to July 1, 1981, shall have until January 1, 1986, to meet
1204 such qualifications.]

1205 Sec. 40. Section 54-63d of the general statutes is repealed and the
1206 following is substituted in lieu thereof (*Effective October 1, 2002*):

1207 (a) Upon notification by a police officer pursuant to section 54-63c
1208 that an arrested person has not posted bail, a bail commissioner shall
1209 promptly conduct an interview and investigation as specified in
1210 subdivisions (1) and (2) of [subsection (a) of] section 54-63b, as
1211 amended by this act, and, [based upon criteria established pursuant to
1212 subdivision (2) of subsection (c) of section 54-63b and] except as
1213 provided in subsection (b) of this section, the bail commissioner shall
1214 promptly order release of such person on the first of the following
1215 conditions of release found sufficient to provide reasonable assurance
1216 of the person's appearance in court: (1) Upon the execution of a written
1217 promise to appear without special conditions; (2) upon the execution
1218 of a written promise to appear with any of the nonfinancial conditions
1219 as specified in subsection (b) of this section; (3) upon the execution of a
1220 bond without surety in no greater amount than necessary; (4) upon the
1221 execution of a bond with surety in no greater amount than necessary.
1222 If the person is unable to meet the conditions of release ordered by the
1223 bail commissioner, the bail commissioner shall so inform the court in a
1224 report prepared pursuant to subdivision (4) of [subsection (a) of]
1225 section 54-63b, as amended by this act.

1226 (b) No person shall be released upon the execution of a written
1227 promise to appear or the execution of a bond without surety if the
1228 person is charged with the commission of a family violence crime, as
1229 defined in section 46b-38a, and in the commission of such crime the
1230 person used or threatened the use of a firearm.

1231 (c) In addition to or in conjunction with any of the conditions
1232 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this
1233 section, the bail commissioner may impose nonfinancial conditions of
1234 release, which may require that the arrested person do any of the
1235 following: (1) Remain under the supervision of a designated person or
1236 organization; (2) comply with specified restrictions on the person's
1237 travel, association or place of abode; (3) not engage in specified
1238 activities, including the use or possession of a dangerous weapon, an
1239 intoxicant or controlled substance; (4) participate in the zero-tolerance

1240 drug supervision program established under section 53a-39d; (5) avoid
1241 all contact with an alleged victim of the crime and with a potential
1242 witness who may testify concerning the offense; or (6) satisfy any other
1243 condition that is reasonably necessary to assure the appearance of the
1244 person in court. Any of the conditions imposed under subsection (a) of
1245 this section and this subsection by the bail commissioner shall be
1246 effective until the appearance of such person in court.

1247 (d) The police department shall promptly comply with the order of
1248 release of the bail commissioner, except that if the department objects
1249 to the order or any of its conditions, the department shall promptly so
1250 advise a state's attorney or assistant state's attorney, the bail
1251 commissioner and the arrested person. The state's attorney or assistant
1252 state's attorney may authorize the police department to delay release,
1253 until a hearing can be had before the court then sitting for the
1254 geographical area which includes the municipality in which the
1255 arrested person is being detained or, if the court is not then sitting,
1256 until the next sitting of said court. When cash bail in excess of ten
1257 thousand dollars is received for a detained person accused of a felony,
1258 where the underlying facts and circumstances of the felony involve the
1259 use, attempted use or threatened use of physical force against another
1260 person, the police department shall prepare a report that contains (1)
1261 the name, address and taxpayer identification number of the accused
1262 person, (2) the name, address and taxpayer identification number of
1263 each person offering the cash bail, other than a person licensed as a
1264 professional bondsman under chapter 533 or a surety bail bond agent
1265 under chapter 700f, (3) the amount of cash received, and (4) the date
1266 the cash was received. Not later than fifteen days after receipt of such
1267 cash bail, the police department shall file the report with the
1268 Department of Revenue Services and mail a copy of the report to the
1269 state's attorney for the judicial district in which the alleged offense was
1270 committed and to each person offering the cash bail.

1271 (e) Except as provided in subsections (f) and (g) of this section, all
1272 information provided to the [Office of the Bail Commission] Court

1273 Support Services Division shall be for the sole purpose of determining
1274 and recommending the conditions of release, and shall otherwise be
1275 confidential and retained in the files of the [Office of the Bail
1276 Commission] Court Support Services Division, and not be subject to
1277 subpoena or other court process for use in any other proceeding or for
1278 any other purpose.

1279 (f) The [Chief Bail Commissioner] Court Support Services Division
1280 shall establish written procedures for the release of information
1281 contained in reports and files of the [Office of the Bail Commission]
1282 Court Support Services Division, such procedures to be approved by
1283 the executive committee of the judges of the Superior Court. Such
1284 procedures shall allow access to (1) nonidentifying information by
1285 qualified persons for purposes of research related to the administration
1286 of criminal justice; (2) all information provided to the [Office of the Bail
1287 Commission] Court Support Services Division by probation officers for
1288 the purposes of compiling presentence reports; and (3) all information
1289 provided to the [Office of the Bail Commission] Court Support
1290 Services Division concerning any person convicted of a crime and held
1291 in custody by the Department of Correction.

1292 (g) Any files and reports held by the [Office of the Bail Commission]
1293 Court Support Services Division may be [disclosed to (1) the Office of
1294 Adult Probation for the purposes of conducting investigations
1295 required under sections 54-76d and 54-91a and of supervising persons
1296 placed on probation, (2) the Family Division of the Superior Court for
1297 the purpose of preparing written or oral reports required under
1298 subsections (c) and (d) of section 46b-38c, and (3) agencies and
1299 organizations under contract with the Office of Alternative Sanctions
1300 for the purpose of monitoring arrested persons referred under
1301 subsection (c) of this section or subsection (c) of section 54-64a]
1302 accessed and disclosed by employees of the division in accordance
1303 with policies and procedures adopted by the Chief Court
1304 Administrator.

1305 Sec. 41. Subsection (b) of section 54-76l of the general statutes is
1306 repealed and the following is substituted in lieu thereof (*Effective*
1307 *October 1, 2002*):

1308 (b) The records of any youth adjudged a youthful offender on or
1309 after October 1, 1995, or any part thereof, may be disclosed to and
1310 between individuals and agencies, and employees of such agencies,
1311 providing services directly to the youth including law enforcement
1312 officials, state and federal prosecutorial officials, school officials in
1313 accordance with section 10-233h, court officials, the Division of
1314 Criminal Justice, the [Office of Adult Probation, the Office of the Bail
1315 Commission] Court Support Services Division, the Board of Parole and
1316 an advocate appointed pursuant to section 54-221 for a victim of a
1317 crime committed by the youth. Such records shall also be available to
1318 the attorney representing the youth, in any proceedings in which such
1319 records are relevant, to the parents or guardian of such youth, until
1320 such time as the youth reaches the age of majority or is emancipated,
1321 and to the youth upon his emancipation or attainment of the age of
1322 majority, provided proof of the identity of such youth is submitted in
1323 accordance with guidelines prescribed by the Chief Court
1324 Administrator. Such records disclosed pursuant to this subsection shall
1325 not be further disclosed.

1326 Sec. 42. Subsection (e) of section 54-76l of the general statutes is
1327 repealed and the following is substituted in lieu thereof (*Effective*
1328 *October 1, 2002*):

1329 (e) Any reports and files held by the [Office of Adult Probation]
1330 Court Support Services Division regarding any youth adjudged a
1331 youthful offender may be [disclosed to the Office of the Bail
1332 Commission for the purpose of performing the duties contained in
1333 section 54-63b] accessed and disclosed by employees of the division in
1334 accordance with policies and procedures adopted by the Chief Court
1335 Administrator.

1336 Sec. 43. Subsection (d) of section 54-91a of the general statutes is

1337 repealed and the following is substituted in lieu thereof (*Effective*
1338 *October 1, 2002*):

1339 (d) Any information contained in the files or report of an
1340 investigation pursuant to this section shall be available to the [Office of
1341 the Bail Commission] Court Support Services Division for the purpose
1342 of performing the duties contained in section 54-63d, as amended by
1343 this act, and to the Department of Mental Health and Addiction
1344 Services for purposes of diagnosis and treatment.

1345 Sec. 44. Section 54-103b of the general statutes is repealed and the
1346 following is substituted in lieu thereof (*Effective October 1, 2002*):

1347 The [Office of Adult Probation] Court Support Services Division
1348 shall implement liaison with local community service providers
1349 throughout the state for the purpose of improving services delivery for
1350 probation referrals. Contractual services purchased shall be
1351 predominantly for the purpose of, but not limited to, employment,
1352 psychiatric and psychological evaluation and counseling, drug and
1353 alcohol dependency treatment, and other services towards more
1354 effective control and rehabilitation of probation referrals. Other
1355 outside professional service fees consonant with the primary purpose
1356 of improved direct services shall be within the scope of the authority
1357 granted by this section.

1358 Sec. 45. Section 54-104 of the general statutes is repealed and the
1359 following is substituted in lieu thereof (*Effective October 1, 2002*):

1360 [The judges of the Superior Court shall provide and supervise
1361 probation service in criminal cases except in juvenile matters. Such
1362 judges, or an authorized committee thereof, shall appoint a Director of
1363 Probation. Such judges, or an authorized committee thereof,] The
1364 Judicial Department shall conduct qualifying examinations and
1365 establish lists of persons eligible for appointment as probation officers,
1366 [, except for probation officers for juvenile matters, and for
1367 appointments to other positions. Such judges, or an authorized

1368 committee thereof.] The Judicial Department shall prescribe
1369 qualifications for entrance to such examinations and shall establish
1370 rules for conducting them and for the eligibility of candidates for
1371 employment. [Such judges, or an authorized committee thereof,] The
1372 Judicial Department may remove any probation officer or other
1373 employee for cause after notice and an opportunity to be heard.

1374 Sec. 46. Section 54-105 of the general statutes is repealed and the
1375 following is substituted in lieu thereof (*Effective October 1, 2002*):

1376 [(a) The Director of Probation shall be the executive officer of the
1377 Office of Adult Probation. The judges of the Superior Court or an
1378 authorized committee thereof shall, within the limits of available
1379 appropriated funds and subject to the compensation plan established
1380 under section 51-12,]

1381 (a) The Judicial Department shall appoint and fix the salaries and
1382 the date when such salaries and services shall commence of such
1383 number of probation officers, assistants and other employees as may
1384 be necessary to provide adequate probation service. The [director shall
1385 supervise and direct the work] executive director of the Court Support
1386 Services Division shall be responsible for the supervision of the
1387 probation officers and other employees and may require reports from
1388 them. [He] The executive director shall (1) formulate methods of
1389 investigation, supervision, record-keeping and reports, [He shall] (2)
1390 compile statistics on the work of all probation officers, [and shall] (3)
1391 maintain a record of all probationers, (4) perform such other duties as
1392 may be necessary to establish and maintain an efficient probation
1393 service in the Superior Court, [He shall] and (5) prepare and publish
1394 such reports as may be required by the Chief Court Administrator. In
1395 the pursuance of [his duties he] such duties, the executive director
1396 shall have access to the records of probation officers. [He shall
1397 maintain a record of all probationers.]

1398 (b) The [Director of Probation shall establish within the Office of
1399 Adult Probation] Judicial Department shall establish within the Court

1400 Support Services Division an intensive probation program, [, which
1401 shall be operated separately from regular probation except that it may
1402 share facilities and administrative services.] The purpose of intensive
1403 probation is to place persons in the community under close
1404 supervision and restriction to ensure public safety, reduce prison
1405 overcrowding and contribute to the rehabilitation of persons in the
1406 program. There shall be periodic testing for drug or alcohol use for
1407 those probationers on intensive probation who have been identified as
1408 having histories of drug or alcohol abuse. Any defendant placed on
1409 intensive probation who fails to comply with the conditions of his
1410 intensive probation shall be presented to the court as provided in
1411 subsection (a) of section 53a-32 for a hearing to be conducted in
1412 accordance with said subsection. If such defendant is found by the
1413 court to have violated any condition of his intensive probation, the
1414 sentencing court or judge may continue such defendant on intensive
1415 probation, modify or enlarge the conditions of intensive probation or
1416 revoke the intensive probation and either require the defendant to
1417 serve the balance of the sentence imposed or impose any lesser
1418 sentence. The executive director of the Court Support Services Division
1419 shall have the same powers and duties with respect to the intensive
1420 probation program as [he] the executive director has with respect to
1421 regular probation under subsection (a) of this section. Persons may be
1422 placed on intensive probation pursuant to an order of a court or judge
1423 under section 53a-30 or 53a-39a, as amended by this act, or as required
1424 by the [Office of Adult Probation] Court Support Services Division.

1425 (c) Subject to the approval of the Chief Court Administrator, the
1426 [Director of Probation] executive director of the Court Support
1427 Services Division may establish within the [Office of Adult Probation]
1428 Court Support Services Division a community service program,
1429 including a community service labor program, which will assign,
1430 supervise and report compliance of persons sentenced to perform
1431 community service as a condition of probation or conditional
1432 discharge. [Prior to the establishment of such a community service
1433 labor program, the Director of Probation shall certify to the Chief

1434 Court Administrator that all anticipated costs of a program sufficient
1435 for the number of eligible persons expected to be assigned to it can be
1436 paid for within available appropriations. If the Director of Probation
1437 establishes such a community service program, said director shall,
1438 subject to the approval of the Chief Court Administrator, contract with
1439 service providers, develop standards and oversee community service
1440 programs to implement such program.]

1441 (d) The [Director of Probation] executive director of the Court
1442 Support Services Division shall establish within the [Office of Adult
1443 Probation] Court Support Services Division a program wherein eighty-
1444 four probation officers shall have a caseload of not more than thirty-
1445 five probationers per officer for the purpose of providing high level
1446 supervision. This program shall be implemented with funds
1447 appropriated pursuant to section 48 of public act 90-213*, provided
1448 such caseload may be increased at the discretion of the [Director of
1449 Probation] executive director if funding for the current service level for
1450 the [Office of Adult Probation] Court Support Services Division is
1451 reduced.

1452 Sec. 47. Section 54-106 of the general statutes is repealed and the
1453 following is substituted in lieu thereof (*Effective October 1, 2002*):

1454 The General Assembly shall provide funds for the salaries and
1455 expenses of [the Director of Probation,] the probation officers and
1456 other employees and the expenses of volunteer aides incurred in
1457 connection with their services to the Judicial Department. A central
1458 office, suitably equipped, shall be provided for the employees by the
1459 Department of Public Works. On requisition by the executive director
1460 of the Court Support Services Division, suitable quarters for the
1461 probation officers and their assistants shall be provided.

1462 Sec. 48. Section 54-123a of the general statutes is repealed and the
1463 following is substituted in lieu thereof (*Effective October 1, 2002*):

1464 [(a) There is established, within available appropriations, an Office

1465 of Alternative Sanctions within the Judicial Department.

1466 (b) The duties and responsibilities of the office shall be to] The Court
1467 Support Services Division shall:

1468 (1) Oversee and coordinate the implementation of alternative
1469 sanctions for both the regular criminal docket and the docket for
1470 juvenile matters of the Superior Court;

1471 (2) Evaluate the effectiveness of alternative sanctions and their
1472 impact on juvenile and adult offenders, prison and jail overcrowding,
1473 court backlogs and community safety;

1474 (3) Plan and establish new alternative sanctions;

1475 (4) Develop criteria for determining the types of offenders
1476 appropriate to receive alternative sanctions and for determining the
1477 effectiveness of those sanctions for specific offender populations;

1478 [(5) Report annually to the General Assembly on its evaluation of
1479 alternative sanctions;]

1480 [(6)] (5) Contract with nonprofit organizations providing alternative
1481 incarceration programs, halfway houses and other similar services;

1482 [(7)] (6) Contract for independent evaluations with respect to the use
1483 of alternative sanctions;

1484 [(8)] (7) Apply for, receive, allocate, disburse and account for grants
1485 of funds made available by the United States, the state, foundations,
1486 corporations and other businesses, agencies or individuals;

1487 [(9)] (8) Enter into agreements with the United States which may be
1488 required to obtain federal funds, and do all things necessary to apply
1489 or qualify for, accept and distribute any state and federal funds
1490 allotted under any federal or state law for alternative incarceration
1491 programs;

1492 [(10)] (9) Enter into contracts and cooperate with local government
1493 units and any combination of such units to carry out the duties
1494 imposed by this section;

1495 [(11)] (10) Enter into agreements necessary, convenient or desirable
1496 for carrying out the purposes of this section with foundations,
1497 agencies, corporations and other businesses or individuals; and

1498 [(12)] (11) Accept gifts or donations of funds, services, materials or
1499 property from any source and use such gifts or donations as is
1500 appropriate to implement the provisions of this section.

1501 Sec. 49. Section 54-123b of the general statutes is repealed and the
1502 following is substituted in lieu thereof (*Effective October 1, 2002*):

1503 There is established an advisory committee to the [Office of
1504 Alternative Sanctions] Court Support Services Division concerning
1505 adult offenders. The committee shall consist of nine members
1506 appointed by the Chief Court Administrator and shall include a
1507 Superior Court judge, representatives from the [Office of Adult
1508 Probation, the Office of the Bail Commission] Court Support Services
1509 Division, the Department of Correction and the Division of Criminal
1510 Justice, representatives of private nonprofit agencies serving offenders
1511 and providing programs of alternative sanctions and public members.

1512 Sec. 50. Section 54-123c of the general statutes is repealed and the
1513 following is substituted in lieu thereof (*Effective October 1, 2002*):

1514 There is established an advisory committee to the [Office of
1515 Alternative Sanctions] Court Support Services Division concerning
1516 juvenile offenders. The committee shall consist of nine members
1517 appointed by the Chief Court Administrator and shall include a
1518 Superior Court judge, representatives from the Department of
1519 Children and Families, the Division of Criminal Justice and the
1520 Division of Public Defender Services, representatives of private
1521 nonprofit agencies serving juvenile offenders and providing programs

1522 of alternative sanctions and public members.

1523 Sec. 51. Subsection (b) of section 54-142g of the general statutes is
1524 repealed and the following is substituted in lieu thereof (*Effective*
1525 *October 1, 2002*):

1526 (b) "Criminal justice agency" means any court with criminal
1527 jurisdiction, the Department of Motor Vehicles [.] or any other
1528 governmental agency created by statute which is authorized by law
1529 and engages, in fact, as its principal function in activities constituting
1530 the administration of criminal justice, [;] including, but not limited to,
1531 organized municipal police departments, the Division of State Police,
1532 the Department of Correction, [Office of Adult Probation,] the Court
1533 Support Services Division, the Office of Policy and Management, the
1534 state's attorneys, assistant state's attorneys [.] and deputy assistant
1535 state's attorneys, the Board of Parole, the Board of Pardons, [bail
1536 commissioners,] the Chief Medical Examiner and the Office of the
1537 Victim Advocate. [It shall also include] "Criminal justice agency"
1538 includes any component of a public, noncriminal justice agency if such
1539 component is created by statute and is authorized by law and, in fact,
1540 engages in activities constituting the administration of criminal justice
1541 as its principal function.

1542 Sec. 52. Section 54-215 of the general statutes is repealed and the
1543 following is substituted in lieu thereof (*Effective October 1, 2002*):

1544 The Office of Victim Services shall establish a Criminal Injuries
1545 Compensation Fund, for the purpose of funding the compensation and
1546 restitution services provided for by this chapter. The fund may contain
1547 any moneys required by law to be deposited in the fund and shall be
1548 held by the Treasurer separate and apart from all other moneys, funds
1549 and accounts. The interest derived from the investment of the fund
1550 shall be credited to the fund. Amounts in the fund may be expended
1551 only pursuant to appropriation by the General Assembly. Any balance
1552 remaining in the fund at the end of any fiscal year shall be carried
1553 forward in the fund for the fiscal year next succeeding. The cost paid

1554 into court under section 54-143 shall be deposited in the General Fund
1555 and shall be credited to and become a part of [said] the Criminal
1556 Injuries Compensation Fund. Any restitution collected by the [Office of
1557 Adult Probation] Court Support Services Division pursuant to section
1558 53a-30, as amended by this act, and which is not disbursed within five
1559 years, because the victim could not be located, shall be deposited in the
1560 Criminal Injuries Compensation Fund. If payment is awarded under
1561 section 54-210 and thereafter the court orders the defendant in the
1562 criminal case from which such injury or death resulted to make
1563 restitution, any money collected as restitution shall be paid to [said]
1564 the fund unless the court directs otherwise. Any administrative costs
1565 related to the operation of [said] the fund, including credits to and
1566 payments of compensation therefrom, shall be paid from [said] the
1567 fund. Administrative costs of providing direct services, the
1568 proportionate share of any fixed costs associated with such services,
1569 the costs of providing direct services to victims and witnesses of
1570 crimes in accordance with subdivision (6) of subsection (b) of section
1571 54-203, and any services offered by the Office of Victim Services to
1572 witnesses and victims of crime may be budgeted for payment from
1573 [said] the fund. The Office of Victim Services may also apply for and
1574 receive moneys for [said] the fund from any federal, state or private
1575 source.

1576 Sec. 53. Subdivision (10) of section 54-250 of the general statutes is
1577 repealed and the following is substituted in lieu thereof (*Effective*
1578 *October 1, 2002*):

1579 (10) "Release into the community" means, with respect to a
1580 conviction or a finding of not guilty by reason of mental disease or
1581 defect of a criminal offense against a victim who is a minor, a
1582 nonviolent sexual offense, a sexually violent offense or a felony found
1583 by the sentencing court to have been committed for a sexual purpose,
1584 (A) any release by a court after such conviction or finding of not guilty
1585 by reason of mental disease or defect, a sentence of probation or any
1586 other sentence under section 53a-28, as amended, that does not result

1587 in the offender's immediate placement in the custody of the
1588 Commissioner of Correction; (B) release from a correctional facility at
1589 the discretion of the Board of Parole, by the Department of Correction
1590 to a program authorized by section 18-100c or upon completion of the
1591 maximum term or terms of the offender's sentence or sentences, or to
1592 the supervision of the [Office of Adult Probation] Court Support
1593 Services Division in accordance with the terms of the offender's
1594 sentence; or (C) release from a hospital for mental illness or a facility
1595 for persons with mental retardation by the Psychiatric Security Review
1596 Board on conditional release pursuant to section 17a-588 or upon
1597 termination of commitment to the Psychiatric Security Review Board.

1598 Sec. 54. Section 54-261 of the general statutes is repealed and the
1599 following is substituted in lieu thereof (*Effective October 1, 2002*):

1600 (a) The [Office of Adult Probation] Court Support Services Division,
1601 in conjunction with state-wide experts in law enforcement, the
1602 treatment of sexual offenders and sexual assault victim services, shall,
1603 within available appropriations, develop a community response
1604 education program to be offered to neighborhoods and municipalities
1605 that have been notified pursuant to section 54-258 that a person who
1606 has registered under said section is or will be residing in that
1607 community.

1608 (b) The purpose of such program shall be to assist neighborhoods,
1609 parents and children to learn how to better protect themselves from
1610 sexual abuse and sexual assault. The program shall develop
1611 educational materials and community information resources on
1612 prevention and risk reduction concerning sexual abuse and sexual
1613 assault and the enforcement of requirements concerning the
1614 registration and supervision of sexual offenders and the notification of
1615 communities where such offenders reside.

1616 (c) The program may include the following:

1617 (1) An initial community meeting following a community

1618 notification, sponsored by the [Office of Adult Probation] Court
1619 Support Services Division and held in conjunction with the chief of
1620 police, chief elected officials, the superintendent of schools and other
1621 municipal officials of the community, to discuss the implementation of
1622 the statutory requirements concerning the registration of a sexual
1623 offender and the notification of the community where such offender
1624 resides, to provide information on the crime or crimes involved and to
1625 provide information on how the offender will be monitored by the
1626 [Office of Adult Probation] Court Support Services Division and the
1627 specific conditions of probation applicable to the offender;

1628 (2) Information on how and where concerned residents may report
1629 observed violations by an offender of the conditions of such offender's
1630 probation;

1631 (3) Resources to educate families and children in the prevention and
1632 avoidance of sexual abuse and sexual assault and for parents seeking
1633 supportive methods for discussing relevant issues with their children;

1634 (4) Resources on when and how a community may wish to establish
1635 a network of "Safe Houses" for neighborhood children to use when
1636 they seek safe shelter or the creation of a neighborhood block watch or
1637 crime watch;

1638 (5) Resources for police departments and boards of education to use
1639 in consulting with parents on appropriate school-based classroom
1640 programs stressing safety, prevention and risk reduction and to use in
1641 developing educational programs for parents to discuss relevant issues
1642 with their children; and

1643 (6) Compilation and distribution of a list of child protective
1644 agencies, child guidance clinics and rape crisis centers for families
1645 seeking more in-depth counseling after a community notification has
1646 occurred.

1647 (d) The [Office of Adult Probation] Court Support Services Division

1648 may apply for and receive grants from the federal government or any
1649 agency thereof or from any foundation, corporation, association or
1650 individual for purposes of the development of the community
1651 response education program under this section.

1652 Sec. 55. (Effective October 1, 2002) Sections 54-103a, 54-104, 54-106, 54-
1653 107 and 54-108a of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>October 1, 2002</i>
Sec. 20	<i>October 1, 2002</i>
Sec. 21	<i>October 1, 2002</i>
Sec. 22	<i>October 1, 2002</i>
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Sec. 27	<i>October 1, 2002</i>
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Sec. 29	<i>October 1, 2002</i>

Sec. 30	<i>October 1, 2002</i>
Sec. 31	<i>October 1, 2002</i>
Sec. 32	<i>October 1, 2002</i>
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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>
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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>
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Sec. 55	<i>October 1, 2002</i>

Statement of Purpose:

To conform various statutes with the reorganization of the Judicial Branch and the establishment of the Court Support Services Division.

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