



General Assembly

February Session, 2002

**Amendment**

LCO No. 5109

\*SB0057005109SD0\*

Offered by:

SEN. CIOTTO, 9<sup>th</sup> Dist.

SEN. SULLIVAN, 5<sup>th</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. Senate Bill No. 570

File No. 405

Cal. No. 251

**"AN ACT CONCERNING UNDERAGE DRINKING."**

1 After line 40, insert the following:

2 "Sec. 3. Section 14-227a of the general statutes, as amended by  
3 section 1 of public act 01-201, is repealed and the following is  
4 substituted in lieu thereof (*Effective July 1, 2002*):

5 (a) No person shall operate a motor vehicle while under the  
6 influence of intoxicating liquor or any drug or both. A person commits  
7 the offense of operating a motor vehicle while under the influence of  
8 intoxicating liquor or any drug or both if such person operates a motor  
9 vehicle on a public highway of this state or on any road of a district  
10 organized under the provisions of chapter 105, a purpose of which is  
11 the construction and maintenance of roads and sidewalks, or on any  
12 private road on which a speed limit has been established in accordance  
13 with the provisions of section 14-218a, or in any parking area for ten or  
14 more cars or on any school property (1) while under the influence of

15 intoxicating liquor or any drug or both, or (2) while such person has an  
16 elevated blood alcohol content. For the purposes of this section,  
17 "elevated blood alcohol content" means [(A)] a ratio of alcohol in the  
18 blood of such person that is [ten-hundredths] eight-hundredths of one  
19 per cent or more of alcohol, by weight, [ or (B) if such person has been  
20 convicted of a violation of this subsection, a ratio of alcohol in the  
21 blood of such person that is seven-hundredths of one per cent or more  
22 of alcohol, by weight.]

23 [(b) No person shall operate a motor vehicle on a public highway of  
24 this state or on any road of a district organized under the provisions of  
25 chapter 105, a purpose of which is the construction and maintenance of  
26 roads and sidewalks, or on any private road on which a speed limit  
27 has been established in accordance with the provisions of section  
28 14-218a, or in any parking area for ten or more cars or on any school  
29 property while such person's ability to operate such motor vehicle is  
30 impaired by the consumption of intoxicating liquor. A person shall be  
31 deemed impaired when at the time of the alleged offense the ratio of  
32 alcohol in the blood of such person was more than seven-hundredths  
33 of one per cent of alcohol, by weight, but less than ten-hundredths of  
34 one per cent of alcohol, by weight.]

35 [(c)] (b) Except as provided in subsection [(d)] (c) of this section, in  
36 any criminal prosecution for violation of subsection (a) [or (b)] of this  
37 section, evidence respecting the amount of alcohol or drug in the  
38 defendant's blood or urine at the time of the alleged offense, as shown  
39 by a chemical analysis of the defendant's breath, blood or urine shall  
40 be admissible and competent provided: (1) The defendant was  
41 afforded a reasonable opportunity to telephone an attorney prior to the  
42 performance of the test and consented to the taking of the test upon  
43 which such analysis is made; (2) a true copy of the report of the test  
44 result was mailed to or personally delivered to the defendant within  
45 twenty-four hours or by the end of the next regular business day, after  
46 such result was known, whichever is later; (3) the test was performed  
47 by or at the direction of a police officer according to methods and with  
48 equipment approved by the Department of Public Safety and was

49 performed in accordance with the regulations adopted under  
50 subsection [(e)] (d) of this section; (4) the device used for such test was  
51 checked for accuracy in accordance with the regulations adopted  
52 under subsection [(e)] (d) of this section; (5) an additional chemical test  
53 of the same type was performed at least thirty minutes after the initial  
54 test was performed or, if requested by the police officer for reasonable  
55 cause, an additional chemical test of a different type was performed to  
56 detect the presence of a drug or drugs other than or in addition to  
57 alcohol, provided the results of the initial test shall not be inadmissible  
58 under this subsection if reasonable efforts were made to have such  
59 additional test performed in accordance with the conditions set forth in  
60 this subsection and such additional test was not performed or was not  
61 performed within a reasonable time, or the results of such additional  
62 test are not admissible for failure to meet a condition set forth in this  
63 subsection; and (6) evidence is presented that the test was commenced  
64 within two hours of operation. In any prosecution under this section it  
65 shall be a rebuttable presumption that the results of such chemical  
66 analysis establish the ratio of alcohol in the blood of the defendant at  
67 the time of the alleged offense, except that if the results of the  
68 additional test indicate that the ratio of alcohol in the blood of such  
69 defendant is twelve-hundredths of one per cent or less of alcohol, by  
70 weight, and is higher than the results of the first test, evidence shall be  
71 presented that demonstrates that the test results and the analysis  
72 thereof accurately indicate the blood alcohol content at the time of the  
73 alleged offense.

74 [(d)] (c) In any prosecution for a violation of subdivision (1) of  
75 subsection (a) of this section, reliable evidence respecting the amount  
76 of alcohol in the defendant's blood or urine at the time of the alleged  
77 offense, as shown by a chemical analysis of the defendant's blood,  
78 breath or urine, otherwise admissible under subsection [(c)] (b) of this  
79 section, shall be admissible only at the request of the defendant.

80 [(e)] (d) The Commissioner of Public Safety shall ascertain the  
81 reliability of each method and type of device offered for chemical  
82 testing and analysis purposes of blood, of breath and of urine and

83 certify those methods and types which said commissioner finds  
84 suitable for use in testing and analysis of blood, breath and urine,  
85 respectively, in this state. The Commissioner of Public Safety [, in  
86 consultation with the Commissioner of Public Health] shall adopt  
87 regulations, in accordance with chapter 54, governing the conduct of  
88 chemical tests, the operation and use of chemical test devices, the  
89 training and certification of operators of such devices and the drawing  
90 or obtaining of blood, breath or urine samples as said commissioner  
91 finds necessary to protect the health and safety of persons who submit  
92 to chemical tests and to insure reasonable accuracy in testing results.  
93 Such regulations shall not require recertification of a police officer  
94 solely because such officer terminates such officer's employment with  
95 the law enforcement agency for which certification was originally  
96 issued and commences employment with another such agency.

97 [(f)] (e) In any criminal prosecution for a violation of subsection (a)  
98 [or (b)] of this section, evidence that the defendant refused to submit to  
99 a blood, breath or urine test requested in accordance with section  
100 14-227b, as amended by this act, shall be admissible provided the  
101 requirements of subsection (b) of said section have been satisfied. If a  
102 case involving a violation of subsection (a) of this section is tried to a  
103 jury, the court shall instruct the jury as to any inference that may or  
104 may not be drawn from the defendant's refusal to submit to a blood,  
105 breath or urine test.

106 [(g)] (f) If a person is charged with a violation of the provisions of  
107 subsection (a) of this section, the charge may not be reduced, nolle or  
108 dismissed unless the prosecuting authority states in open court such  
109 prosecutor's reasons for the reduction, nolle or dismissal.

110 [(h)] (g) Any person who violates any provision of subsection (a) of  
111 this section shall: (1) For conviction of a first violation, (A) be fined not  
112 less than five hundred dollars nor more than one thousand dollars,  
113 and (B) be (i) imprisoned not more than six months, forty-eight  
114 consecutive hours of which may not be suspended or reduced in any

115 manner, or (ii) imprisoned not more than six months, with the  
116 execution of such sentence of imprisonment suspended entirely and a  
117 period of probation imposed requiring as a condition of such  
118 probation that such person perform one hundred hours of community  
119 service, as defined in section 14-227e, as amended by this act, and (C)  
120 have such person's motor vehicle operator's license or nonresident  
121 operating privilege suspended for one year; (2) for conviction of a  
122 second violation within ten years after a prior conviction for the same  
123 offense, (A) be fined not less than one thousand dollars nor more than  
124 four thousand dollars, (B) be imprisoned not more than two years, one  
125 hundred twenty consecutive days of which may not be suspended or  
126 reduced in any manner, and sentenced to a period of probation  
127 requiring as a condition of such probation that such person perform  
128 one hundred hours of community service, as defined in section 14-  
129 227e, as amended by this act, and (C) have such person's motor vehicle  
130 operator's license or nonresident operating privilege suspended for  
131 three years or until the date of such person's twenty-first birthday,  
132 whichever is longer; and (3) for conviction of a third and subsequent  
133 violation within ten years after a prior conviction for the same offense,  
134 (A) be fined not less than two thousand dollars nor more than eight  
135 thousand dollars, (B) be imprisoned not more than three years, one  
136 year of which may not be suspended or reduced in any manner, and  
137 sentenced to a period of probation requiring as a condition of such  
138 probation that such person perform one hundred hours of community  
139 service, as defined in section 14-227e, as amended by this act, and (C)  
140 have such person's motor vehicle operator's license or nonresident  
141 operating privilege permanently revoked upon such third offense. For  
142 purposes of the imposition of penalties for a second or third and  
143 subsequent offense pursuant to this subsection, a conviction under the  
144 provisions of subsection (a) of this section [14-227a] in effect on  
145 October 1, 1981, or as amended thereafter, a conviction under the  
146 provisions of either subdivision (1) or (2) of subsection (a) of this  
147 section, a conviction under the provisions of section 53a-56b or 53a-60d  
148 or a conviction in any other state of any offense the essential elements  
149 of which are determined by the court to be substantially the same as

150 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b  
151 or 53a-60d, shall constitute a prior conviction for the same offense.

152 [(i) Any person who violates subsection (b) of this section shall be  
153 fined not more than two hundred dollars.]

154 [(j)] (h) (1) Each court shall report each conviction under subsection  
155 (a) of this section to the Commissioner of Motor Vehicles, in  
156 accordance with the provisions of section 14-141. The commissioner  
157 shall suspend the motor vehicle operator's license or nonresident  
158 operating privilege of the person reported as convicted for the period  
159 of time required by subsection [(h)] (g) of this section. (2) The motor  
160 vehicle operator's license or nonresident operating privilege of a  
161 person found guilty under subsection (a) of this section who is under  
162 eighteen years of age shall be suspended by the commissioner for the  
163 period of time set forth in subsection [(h)] (g) of this section, or until  
164 such person attains the age of eighteen years, whichever period is  
165 longer. (3) The motor vehicle operator's license or nonresident  
166 operating privilege of a person found guilty under subsection (a) of  
167 this section who, at the time of the offense, was operating a motor  
168 vehicle in accordance with a special operator's permit issued pursuant  
169 to section 14-37a shall be suspended by the commissioner for twice the  
170 period of time set forth in subsection [(h)] (g) of this section. (4)  
171 Whenever the motor vehicle operator's license of a person is  
172 suspended under subsection [(h)] (g) of this section for conviction of a  
173 violation of subsection (a) of this section, the operator's license that is  
174 returned or reissued to such person by the Commissioner of Motor  
175 Vehicles upon completion of the period of suspension shall indicate on  
176 its reverse side that such person is an at-risk operator. For purposes of  
177 this subdivision, an "at-risk operator" is a person who has been  
178 convicted of a violation of subsection (a) of this section. (5) If an appeal  
179 of any conviction under subsection (a) of this section is taken, the  
180 suspension of the motor vehicle operator's license or nonresident  
181 operating privilege by the commissioner, in accordance with this  
182 subsection, shall be stayed during the pendency of such appeal.

183        [(k)] (i) In addition to any fine or sentence imposed pursuant to the  
184 provisions of subsection [(h)] (g) of this section, the court may order  
185 such person to participate in an alcohol education and treatment  
186 program.

187        [(l)] (j) Notwithstanding the provisions of subsection [(c)] (b) of this  
188 section, evidence respecting the amount of alcohol or drug in the blood  
189 or urine of an operator of a motor vehicle involved in an accident who  
190 has suffered or allegedly suffered physical injury in such accident,  
191 which evidence is derived from a chemical analysis of a blood sample  
192 taken from or a urine sample provided by such person after such  
193 accident at the scene of the accident, while en route to a hospital or at a  
194 hospital, shall be competent evidence to establish probable cause for  
195 the arrest by warrant of such person for a violation of subsection (a) of  
196 this section and shall be admissible and competent in any subsequent  
197 prosecution thereof if: (1) The blood sample was taken or the urine  
198 sample was provided for the diagnosis and treatment of such injury;  
199 (2) if a blood sample was taken, the blood sample was taken in  
200 accordance with the regulations adopted under subsection [(e)] (d) of  
201 this section; (3) a police officer has demonstrated to the satisfaction of a  
202 judge of the Superior Court that such officer has reason to believe that  
203 such person was operating a motor vehicle while under the influence  
204 of intoxicating liquor or drug or both and that the chemical analysis of  
205 such blood or urine sample constitutes evidence of the commission of  
206 the offense of operating a motor vehicle while under the influence of  
207 intoxicating liquor or drug or both in violation of subsection (a) of this  
208 section; and (4) such judge has issued a search warrant in accordance  
209 with section 54-33a, as amended, authorizing the seizure of the  
210 chemical analysis of such blood or urine sample. Such search warrant  
211 may also authorize the seizure of the medical records prepared by the  
212 hospital in connection with the diagnosis or treatment of such injury.

213        [(m)] (k) If the court sentences a person convicted of a violation of  
214 subsection (a) of this section to a period of probation, the court may  
215 require as a condition of such probation that such person participate in  
216 a victim impact panel program approved by the Court Support

217 Services Division of the Judicial Department. Such victim impact panel  
218 program shall provide a nonconfrontational forum for the victims of  
219 alcohol-related or drug-related offenses and offenders to share  
220 experiences on the impact of alcohol-related or drug-related incidents  
221 in their lives. Such victim impact panel program shall be conducted by  
222 a nonprofit organization that advocates on behalf of victims of  
223 accidents caused by persons who operated a motor vehicle while  
224 under the influence of intoxicating liquor or any drug, or both. Such  
225 organization may assess a participation fee of not more than twenty-  
226 five dollars on any person required by the court to participate in such  
227 program.

228 Sec. 4. Section 14-227b of the general statutes is repealed and the  
229 following is substituted in lieu thereof (*Effective July 1, 2002*):

230 (a) Any person who operates a motor vehicle in this state shall be  
231 deemed to have given such person's consent to a chemical analysis of  
232 such person's blood, breath or urine and, if such person is a minor,  
233 such person's parent or parents or guardian shall also be deemed to  
234 have given their consent.

235 (b) If any such person, having been placed under arrest for  
236 operating a motor vehicle while under the influence of intoxicating  
237 liquor or any drug or both, [or while such person's ability to operate  
238 such motor vehicle is impaired by the consumption of intoxicating  
239 liquor,] and thereafter, after being apprised of such person's  
240 constitutional rights, having been requested to submit to a blood,  
241 breath or urine test at the option of the police officer, having been  
242 afforded a reasonable opportunity to telephone an attorney prior to the  
243 performance of such test and having been informed that such person's  
244 license or nonresident operating privilege may be suspended in  
245 accordance with the provisions of this section if such person refuses to  
246 submit to such test or if such person submits to such test and the  
247 results of such test indicate that such person has an elevated blood  
248 alcohol content, and that evidence of any such refusal shall be  
249 admissible in accordance with subsection [(f)] (e) of section 14-227a, as

250 amended by this act, and may be used against such person in any  
251 criminal prosecution, refuses to submit to the designated test, the test  
252 shall not be given; provided, if the person refuses or is unable to  
253 submit to a blood test, the police officer shall designate the breath or  
254 urine test as the test to be taken. The police officer shall make a  
255 notation upon the records of the police department that such officer  
256 informed the person that such person's license or nonresident  
257 operating privilege may be suspended if such person refused to submit  
258 to such test or if such person submitted to such test and the results of  
259 such test indicated that such person had an elevated blood alcohol  
260 content.

261 (c) If the person arrested refuses to submit to such test or analysis or  
262 submits to such test or analysis, commenced within two hours of the  
263 time of operation, and the results of such test or analysis indicate that  
264 such person has an elevated blood alcohol content, the police officer,  
265 acting on behalf of the Commissioner of Motor Vehicles, shall  
266 immediately revoke and take possession of the motor vehicle  
267 operator's license or, if such person is a nonresident, suspend the  
268 nonresident operating privilege of such person, for a twenty-four-hour  
269 period and shall issue a temporary operator's license or nonresident  
270 operating privilege to such person valid for the period commencing  
271 twenty-four hours after issuance and ending thirty days after the date  
272 such person received notice of such person's arrest by the police  
273 officer. The police officer shall prepare a written report of the incident  
274 and shall mail the report together with a copy of the completed  
275 temporary license form, any operator's license taken into possession  
276 and a copy of the results of any chemical test or analysis to the  
277 Department of Motor Vehicles within three business days. The report  
278 shall be made on a form approved by the Commissioner of Motor  
279 Vehicles and shall be subscribed and sworn to under penalty of false  
280 statement as provided in section 53a-157b by the arresting officer. If  
281 the person arrested refused to submit to such test or analysis, the  
282 report shall be endorsed by a third person who witnessed such refusal.  
283 The report shall set forth the grounds for the officer's belief that there

284 was probable cause to arrest such person for operating a motor vehicle  
285 while under the influence of intoxicating liquor or any drug or both [or  
286 while such person's ability to operate such motor vehicle is impaired  
287 by the consumption of intoxicating liquor,] and shall state that such  
288 person had refused to submit to such test or analysis when requested  
289 by such police officer to do so or that such person submitted to such  
290 test or analysis, commenced within two hours of the time of operation,  
291 and the results of such test or analysis indicated that such person had  
292 an elevated blood alcohol content.

293 (d) If the person arrested submits to a blood or urine test at the  
294 request of the police officer, and the specimen requires laboratory  
295 analysis in order to obtain the test results, the police officer shall not  
296 take possession of the motor vehicle operator's license of such person  
297 or, except as provided in this subsection, follow the procedures  
298 subsequent to taking possession of the operator's license as set forth in  
299 subsection (c) of this section. If the test results indicate that such  
300 person has an elevated blood alcohol content, the police officer,  
301 immediately upon receipt of the test results, shall notify the  
302 Commissioner of Motor Vehicles and submit to the commissioner the  
303 written report required pursuant to subsection (c) of this section.

304 (e) Upon receipt of such report, the Commissioner of Motor Vehicles  
305 may suspend any license or nonresident operating privilege of such  
306 person effective as of a date certain, which date shall be not later than  
307 thirty days after the date such person received notice of such person's  
308 arrest by the police officer. Any person whose license or operating  
309 privilege has been suspended in accordance with this subsection shall  
310 automatically be entitled to a hearing before the commissioner to be  
311 held prior to the effective date of the suspension. The commissioner  
312 shall send a suspension notice to such person informing such person  
313 that such person's operator's license or nonresident operating privilege  
314 is suspended as of a date certain and that such person is entitled to a  
315 hearing prior to the effective date of the suspension and may schedule  
316 such hearing by contacting the Department of Motor Vehicles not later  
317 than seven days after the date of mailing of such suspension notice.

318 (f) If such person does not contact the department to schedule a  
319 hearing, the commissioner shall affirm the suspension contained in the  
320 suspension notice for the appropriate period specified in subsection (i)  
321 of this section.

322 (g) If such person contacts the department to schedule a hearing, the  
323 department shall assign a date, time and place for the hearing, which  
324 date shall be prior to the effective date of the suspension. At the  
325 request of such person or the hearing officer and upon a showing of  
326 good cause, the commissioner may grant one continuance for a period  
327 not to exceed fifteen days. If a continuance is granted, the  
328 commissioner shall extend the validity of the temporary operator's  
329 license or nonresident operating privilege issued pursuant to  
330 subsection (c) of this section for a period not to exceed the period of  
331 such continuance. The hearing shall be limited to a determination of  
332 the following issues: (1) Did the police officer have probable cause to  
333 arrest the person for operating a motor vehicle while under the  
334 influence of intoxicating liquor or drug or both; [or while such person's  
335 ability to operate such motor vehicle was impaired by the  
336 consumption of intoxicating liquor;] (2) was such person placed under  
337 arrest; (3) did such person refuse to submit to such test or analysis or  
338 did such person submit to such test or analysis, commenced within  
339 two hours of the time of operation, and the results of such test or  
340 analysis indicated that such person had an elevated blood alcohol  
341 content; and (4) was such person operating the motor vehicle. In the  
342 hearing, the results of the test or analysis shall be sufficient to indicate  
343 the ratio of alcohol in the blood of such person at the time of operation,  
344 except that if the results of the additional test indicate that the ratio of  
345 alcohol in the blood of such person is twelve-hundredths of one per  
346 cent or less of alcohol, by weight, and is higher than the results of the  
347 first test, evidence shall be presented that demonstrates that the test  
348 results and analysis thereof accurately indicate the blood alcohol  
349 content at the time of operation. The fees of any witness summoned to  
350 appear at the hearing shall be the same as provided by the general  
351 statutes for witnesses in criminal cases.

352 (h) If, after such hearing, the commissioner finds on any one of the  
353 said issues in the negative, the commissioner shall reinstate such  
354 license or operating privilege. If, after such hearing, the commissioner  
355 does not find on any one of the said issues in the negative or if such  
356 person fails to appear at such hearing, the commissioner shall affirm  
357 the suspension contained in the suspension notice for the appropriate  
358 period specified in subsection (i) of this section. The commissioner  
359 shall render a decision at the conclusion of such hearing or send a  
360 notice of the decision by bulk certified mail to such person not later  
361 than thirty days or, if a continuance is granted, not later than forty-five  
362 days from the date such person received notice of such person's arrest  
363 by the police officer. The notice of such decision sent by certified mail  
364 to the address of such person as shown by the records of the  
365 commissioner shall be sufficient notice to such person that such  
366 person's operator's license or nonresident operating privilege is  
367 reinstated or suspended, as the case may be. Unless a continuance of  
368 the hearing is granted pursuant to subsection (g) of this section, if the  
369 commissioner fails to render a decision within thirty days from the  
370 date such person received notice of such person's arrest by the police  
371 officer, the commissioner shall reinstate such person's operator's  
372 license or nonresident operating privilege, provided notwithstanding  
373 such reinstatement the commissioner may render a decision not later  
374 than two days thereafter suspending such operator's license or  
375 nonresident operating privilege.

376 (i) The commissioner shall suspend the operator's license or  
377 nonresident operating privilege, and revoke the temporary operator's  
378 license or nonresident operating privilege issued pursuant to  
379 subsection (c) of this section, of a person who did not contact the  
380 department to schedule a hearing, who failed to appear at a hearing or  
381 against whom, after a hearing, the commissioner held pursuant to  
382 subsection (h) of this section, as of the effective date contained in the  
383 suspension notice or the date the commissioner renders a decision,  
384 whichever is later, for a period of: (1) (A) Except as provided in  
385 subparagraph (B) of this subdivision, ninety days, if such person

386 submitted to a test or analysis and the results of such test or analysis  
387 indicated that such person had an elevated blood alcohol content, (B)  
388 one hundred twenty days, if such person submitted to a test or  
389 analysis and the results of such test or analysis indicated that the ratio  
390 of alcohol in the blood of such person was sixteen-hundredths of one  
391 per cent or more of alcohol, by weight, or (C) six months if such person  
392 refused to submit to such test or analysis, (2) if such person has  
393 previously had such person's operator's license or nonresident  
394 operating privilege suspended under this section, (A) except as  
395 provided in subparagraph (B) of this subdivision, nine months if such  
396 person submitted to a test or analysis and the results of such test or  
397 analysis indicated that such person had an elevated blood alcohol  
398 content, (B) ten months if such person submitted to a test or analysis  
399 and the results of such test or analysis indicated that the ratio of  
400 alcohol in the blood of such person was sixteen-hundredths of one per  
401 cent or more of alcohol, by weight, and (C) one year if such person  
402 refused to submit to such test or analysis, and (3) if such person has  
403 two or more times previously had such person's operator's license or  
404 nonresident operating privilege suspended under this section, (A)  
405 except as provided in subparagraph (B) of this subdivision, two years  
406 if such person submitted to a test or analysis and the results of such  
407 test or analysis indicated that such person had an elevated blood  
408 alcohol content, (B) two and one-half years if such person submitted to  
409 a test or analysis and the results of such test or analysis indicated that  
410 the ratio of alcohol in the blood of such person was sixteen-hundredths  
411 of one per cent or more of alcohol, by weight, and (C) three years if  
412 such person refused to submit to such test or analysis.

413 (j) Notwithstanding the provisions of subsections (b) to (i),  
414 inclusive, of this section, any police officer who obtains the results of a  
415 chemical analysis of a blood sample taken from an operator of a motor  
416 vehicle involved in an accident who suffered or allegedly suffered  
417 physical injury in such accident shall notify the Commissioner of  
418 Motor Vehicles and submit to the commissioner a written report if  
419 such results indicate that such person had an elevated blood alcohol

420 content, and if such person was arrested for violation of section  
421 14-227a, as amended by this act, in connection with such accident. The  
422 report shall be made on a form approved by the commissioner  
423 containing such information as the commissioner prescribes, and shall  
424 be subscribed and sworn to under penalty of false statement, as  
425 provided in section 53a-157b, by the police officer. The commissioner  
426 may, after notice and an opportunity for hearing, which shall be  
427 conducted in accordance with chapter 54, suspend the motor vehicle  
428 operator's license or nonresident operating privilege of such person for  
429 a period of up to ninety days, or, if such person has previously had  
430 such person's operator's license or nonresident operating privilege  
431 suspended under this section for a period of up to one year. Each  
432 hearing conducted under this subsection shall be limited to a  
433 determination of the following issues: (1) Whether the police officer  
434 had probable cause to arrest the person for operating a motor vehicle  
435 while under the influence of intoxicating liquor or drug or both; [or  
436 while the person's ability to operate the motor vehicle was impaired by  
437 the consumption of intoxicating liquor;] (2) whether such person was  
438 placed under arrest; (3) whether such person was operating the motor  
439 vehicle; (4) whether the results of the analysis of the blood of such  
440 person indicate that such person had an elevated blood alcohol  
441 content; and (5) whether the blood sample was obtained in accordance  
442 with conditions for admissibility and competence as evidence as set  
443 forth in subsection [(l)] (j) of section 14-227a, as amended by this act. If,  
444 after such hearing, the commissioner finds on any one of the said  
445 issues in the negative, the commissioner shall not impose a suspension.  
446 The fees of any witness summoned to appear at the hearing shall be  
447 the same as provided by the general statutes for witnesses in criminal  
448 cases, as provided in section 52-260, as amended.

449 (k) The provisions of this section shall apply with the same effect to  
450 the refusal by any person to submit to an additional chemical test as  
451 provided in subdivision (5) of subsection [(c)] (b) of section 14-227a, as  
452 amended by this act.

453 (l) The provisions of this section shall not apply to any person

454 whose physical condition is such that, according to competent medical  
455 advice, such test would be inadvisable.

456 (m) The state shall pay the reasonable charges of any physician who,  
457 at the request of a municipal police department, takes a blood sample  
458 for purposes of a test under the provisions of this section.

459 (n) For the purposes of this section, "elevated blood alcohol content"  
460 means (1) a ratio of alcohol in the blood of such person that is [ten-  
461 hundredths] eight-hundredths of one per cent or more of alcohol, by  
462 weight, [(2) if such person has been convicted of a violation of  
463 subsection (a) of section 14-227a, a ratio of alcohol in the blood of such  
464 person that is seven-hundredths of one per cent or more of alcohol, by  
465 weight, or (3)] or (2) if such person is under twenty-one years of age, a  
466 ratio of alcohol in the blood of such person that is two-hundredths of  
467 one per cent or more of alcohol, by weight.

468 (o) The Commissioner of Motor Vehicles shall adopt regulations in  
469 accordance with chapter 54 to implement the provisions of this section.

470 Sec. 5. Section 14-227c of the general statutes is repealed and the  
471 following is substituted in lieu thereof (*Effective July 1, 2002*):

472 As part of the investigation of any motor vehicle accident resulting  
473 in a fatality, the Chief Medical Examiner, Deputy Chief Medical  
474 Examiner, an associate medical examiner, a pathologist as specified in  
475 section 19a-405, or an authorized assistant medical examiner, as the  
476 case may be, shall order that a blood sample be taken from the body of  
477 any operator or pedestrian who dies as a result of such accident. Such  
478 blood samples shall be examined for the presence and concentration of  
479 alcohol by the Division of Scientific Services within the Department of  
480 Public Safety or by the Office of the Chief Medical Examiner. To the  
481 extent provided by law, a blood or breath sample may also be obtained  
482 from any surviving operator whose motor vehicle is involved in such  
483 an accident. The test shall be performed by or at the direction of a  
484 police officer according to methods and with equipment approved by  
485 the Department of Public Safety and shall be performed by a person

486 certified or recertified for such purpose by said department or  
487 recertified by persons certified as instructors by the Commissioner of  
488 Public Safety. The equipment used for such test shall be checked for  
489 accuracy by a person certified by the Department of Public Safety  
490 immediately before and after such test is performed. If a blood test is  
491 performed, it shall be on a blood sample taken by a person licensed to  
492 practice medicine and surgery in this state, a qualified laboratory  
493 technician, an emergency medical technician II, a registered nurse or a  
494 phlebotomist, [ as defined in subsection (m) of section 14-227a.] The  
495 blood samples obtained from the surviving operator shall be examined  
496 for the presence and concentration of alcohol by the Division of  
497 Scientific Services within the Department of Public Safety. Nothing in  
498 this section or section 19a-406 shall be construed as requiring such  
499 medical examiner to perform an autopsy in connection with obtaining  
500 such blood samples.

501 Sec. 6. Section 14-227e of the general statutes is repealed and the  
502 following is substituted in lieu thereof (*Effective July 1, 2002*):

503 As used in this section and subsection [(h)] (g) of section 14-227a, as  
504 amended by this act:

505 (a) (1) "Community service" means the placement of defendants in  
506 unpaid positions with nonprofit or tax-supported agencies for the  
507 performance of a specified number of hours of work or service within  
508 a given period of time.

509 (2) "Community service plan" means an agreement between the  
510 court and the defendant which specifies (A) the number of required  
511 community service hours, (B) the type of agency for placement, (C) the  
512 period of time in which the community service will be completed, (D)  
513 the tentative schedule, (E) a brief description of the responsibilities, (F)  
514 conditions and sanctions for failure to fulfill the plan, and (G) the  
515 supervisor of the plan.

516 (b) In sentencing a defendant to perform community service, the  
517 court shall fix the conditions and terms of such sentence and shall

518 review the community service plan and, upon approval, sentence such  
519 defendant in accordance with such plan. No sentence of community  
520 service shall be imposed without the consent of the defendant.

521 (c) Any organization administering sentences of community service  
522 shall prepare and file with the court a copy of all community service  
523 plans and shall notify the court when a defendant has successfully  
524 completed such plan.

525 (d) Any organization administering sentences of community service  
526 shall prepare a written statement outlining noncompliance by a  
527 defendant and shall without unnecessary delay notify the state's  
528 attorney for that judicial district requesting that a hearing be held to  
529 determine whether the sentence of community service should be  
530 revoked.

531 (e) The court may at any time, for good cause shown, terminate the  
532 sentence of community service or modify or enlarge the terms or  
533 conditions or require the defendant to serve the original incarcerative  
534 sentence for violation of any of the conditions of the sentence of  
535 community service.

536 Sec. 7. Subsection (a) of section 14-227f of the general statutes is  
537 repealed and the following is substituted in lieu thereof (*Effective July*  
538 *1, 2002*):

539 (a) Any person whose motor vehicle operator's license or  
540 nonresident operating privilege is suspended under subsection [(h)]  
541 (g) of section 14-227a, as amended by this act, for a conviction of a  
542 second or subsequent violation of subsection (a) of said section or  
543 under section 14-227b, as amended by this act, for a second or  
544 subsequent time shall participate in a treatment program approved by  
545 the Commissioner of Motor Vehicles. The commissioner shall not  
546 reinstate the operator's license or nonresident operating privilege of  
547 any such person until such person submits evidence to the  
548 commissioner that he has satisfactorily completed the treatment  
549 program.

550 Sec. 8. Subsection (c) of section 14-227g of the general statutes is  
551 repealed and the following is substituted in lieu thereof (*Effective July*  
552 *1, 2002*):

553 (c) The provisions of subsections [(c), (e), (g), (h), (j), (k) and (l)] ~~(b),~~  
554 ~~(d), (f), (g), (h), (i) and (j)~~ of section 14-227a, as amended by this act,  
555 adapted accordingly, shall be applicable to a violation of subsection (a)  
556 of this section.

557 Sec. 9. Subsection (h) of section 14-111 of the general statutes is  
558 repealed and the following is substituted in lieu thereof (*Effective July*  
559 *1, 2002*):

560 (h) When any person who does not hold a Connecticut operator's  
561 license is convicted or has his case nulled or is given a suspended  
562 judgment or sentence for a violation of any provision of section 14-36,  
563 14-110, 14-145, subsection (b) of section 14-147, 14-215, 14-224,  
564 subsection (a) of section 14-227a, as amended by this act, or 14-229, the  
565 commissioner shall not issue to him a nonresident or resident  
566 operator's license during such period as the commissioner may  
567 determine, which period shall not be less than the period provided for  
568 suspension in subsection (b) of this section or in subsection [(h)] ~~(g)~~ of  
569 section 14-227a, as amended by this act. When any person is convicted  
570 or has his case nulled or is given a suspended judgment or sentence for  
571 any violation of any of the provisions of section 14-12, the  
572 commissioner shall not issue registration for any motor vehicle owned  
573 by such person until thirty days after application therefor.

574 Sec. 10. Subsection (a) of section 14-111g of the general statutes is  
575 repealed and the following is substituted in lieu thereof (*Effective July*  
576 *1, 2002*):

577 (a) For the purposes of this subsection, "moving violation" means  
578 any violation of section 14-218a, 14-219, 14-222, 14-223, [subsection (b)  
579 of section 14-227a,] 14-230 to 14-249, inclusive, 14-279, 14-289b, 14-299,  
580 14-301, 14-302, 14-303, and "suspension violation" means a violation of  
581 section 14-222a, 14-224, subsection (a) of section 14-227a, as amended

582 by this act, section 53a-56b, 53a-57 or 53a-60d. The Commissioner of  
583 Motor Vehicles may require any licensed motor vehicle operator who  
584 is twenty-four years of age or less, who has been convicted of a  
585 moving violation or a suspension violation, or both, committed on two  
586 or more occasions to attend a motor vehicle operator's retraining  
587 program. The commissioner may require any licensed motor vehicle  
588 operator over twenty-four years of age, who has been convicted of a  
589 moving violation or a suspension violation or a combination of said  
590 violations, committed on three or more occasions to attend a motor  
591 vehicle operator's retraining program. The retraining program shall (1)  
592 review principles of motor vehicle operation, (2) develop alternative  
593 attitudes for those attitudes contributing to aggressive driving  
594 behavior and (3) emphasize the need to practice safe driving behavior.  
595 The retraining program shall be offered by the Department of Motor  
596 Vehicles or by any other organization conducting such a program  
597 certified by the commissioner. The commissioner shall notify such  
598 operator, in writing, of such requirement. A fee of not more than sixty  
599 dollars shall be charged for the retraining program. The commissioner,  
600 after notice and opportunity for hearing, may suspend the motor  
601 vehicle operator's license of any such operator who fails to attend or  
602 successfully complete the program until the operator successfully  
603 completes the program. The hearing shall be limited to any claim of  
604 impossibility of the operator to attend the retraining program, or to a  
605 determination of mistake or misidentification.

606 Sec. 11. Subsection (b) of section 51-164n of the general statutes, as  
607 amended by section 5 of public act 01-186, is repealed and the  
608 following is substituted in lieu thereof (*Effective July 1, 2002*):

609 (b) Notwithstanding any provision of the general statutes to the  
610 contrary, any person who is alleged to have committed (1) a violation  
611 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-18, 7-  
612 35, 7-41, 7-83, 7-104, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-  
613 322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-  
614 170aa, 12-292, 12-326g, subsection (4) of section 12-408, subsection (3),  
615 (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,

616 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124,  
617 13a-139, 13a-140, 13a-143b, 13a-247, 13a-253, subsection (f) of section  
618 13b-42, section 13b-90, 13b-221, 13b-224, 13b-292, 13b-336, 13b-337, 13b-  
619 338, 13b-410a, 13b-410b, 13b-410c, subsection (a), (b) or (c) of section  
620 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a,  
621 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35,  
622 section 14-43, 14-49, 14-50a, 14-58, subsection (b) of section 14-66,  
623 section 14-66a, 14-66b, 14-67a, subsection (f) of section 14-80h, section  
624 14-97a, section 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-  
625 153, 14-163b, a first violation as specified in subsection (f) of section 14-  
626 164i, section 14-219 specified in subsection (e) of said section,  
627 [subsection (b) of section 14-227a,] section 14-240, 14-249, 14-250,  
628 subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-  
629 267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section  
630 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326,  
631 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-  
632 33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-  
633 22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-  
634 149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-  
635 451, 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39,  
636 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-  
637 107, 19a-108, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-  
638 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-  
639 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e,  
640 subsection (a) of section 20-341, section 20-341i, 20-597, 20-608, 20-610,  
641 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,  
642 21a-26, 21a-30, 21a-31, subsection (a) of section 21a-37, section 21a-46,  
643 21a-61, 21a-63, 21a-77, subsection (b) of section 21a-79, section 21a-85,  
644 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-  
645 34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-  
646 39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-  
647 123, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326, 22-342,  
648 subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-  
649 413, 22-414, 22-415, 22a-66a, 22a-246, subsection (a) of section 22a-250,  
650 subsection (e) of section 22a-256h, section 22a-449, 22a-461, 23-37, 23-

651 38, 23-46, 23-61b, subsection (a) or (b) of section 23-65, section 25-37,  
652 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64,  
653 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-  
654 141, 26-207, 26-215, 26-221, 26-222, 26-224a, 26-227, 26-230, 26-234, 26-  
655 267, 26-269, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-  
656 210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3,  
657 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25,  
658 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-  
659 51k, 31-52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section  
660 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of  
661 section 31-273, section 31-288, 36a-787, 42-230, 44-3, 45a-450, 45a-634,  
662 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-  
663 22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or  
664 (b) of section 53-211, section 53-212a, 53-249a, 53-252, 53-264, 53-301,  
665 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-  
666 450, or (2) a violation under the provisions of chapter 268, or (3) a  
667 violation of any regulation adopted in accordance with the provisions  
668 of section 12-484, 12-487 or 13b-410, shall follow the procedures set  
669 forth in this section.

670 Sec. 12. Section 54-56g of the general statutes, as amended by  
671 sections 2 and 3 of public act 01-201 and section 9 of public act 01-8 of  
672 the June special session, is repealed and the following is substituted in  
673 lieu thereof (*Effective July 1, 2002*):

674 (a) There shall be a pretrial alcohol education system for persons  
675 charged with a violation of section 14-227a, as amended by this act, or  
676 14-227g. Upon application by any such person for participation in such  
677 system and payment to the court of an application fee of fifty dollars  
678 and a nonrefundable evaluation fee of one hundred dollars, the court  
679 shall, but only as to the public, order the court file sealed, provided  
680 such person states under oath, in open court or before any person  
681 designated by the clerk and duly authorized to administer oaths,  
682 under penalties of perjury that: (1) If such person is charged with a  
683 violation of section 14-227a, as amended by this act, such person has  
684 [never] not had such system invoked in such person's behalf [and that]

685 within the preceding ten years for a violation of section 14-227a, as  
686 amended by this act, (2) if such person is charged with a violation of  
687 section 14-227g, such person has never had such system invoked in  
688 such person's behalf for a violation of section 14-227a, as amended by  
689 this act, or 14-227g, (3) such person has not been convicted of a  
690 violation of section 53a-56b or 53a-60d, a violation of subsection (a) of  
691 section 14-227a, as amended by this act, before or after October 1, 1981,  
692 or a violation of subdivision (1) or (2) of subsection (a) of section  
693 14-227a, as amended by this act, on or after October 1, 1985, and [that]  
694 (4) such person has not been convicted in any other state at any time of  
695 an offense the essential elements of which are substantially the same as  
696 section 53a-56b or 53a-60d or subdivision (1) or (2) of subsection (a) of  
697 section 14-227a, as amended by this act. Unless good cause is shown, a  
698 person shall be ineligible for participation in such pretrial alcohol  
699 education system if such person's alleged violation of section 14-227a,  
700 as amended by this act, or 14-227g caused the serious physical injury,  
701 as defined in section 53a-3, as amended, of another person. The fee  
702 imposed by this subsection shall be credited to the Criminal Injuries  
703 Compensation Fund established by section 54-215.

704 (b) The court, after consideration of the recommendation of the  
705 state's attorney, assistant state's attorney or deputy assistant state's  
706 attorney in charge of the case, may, in its discretion, grant such  
707 application. If the court grants such application, it shall refer such  
708 person to the Bail Commission for assessment and confirmation of the  
709 eligibility of the applicant and to the Department of Mental Health and  
710 Addiction Services for evaluation. The Bail Commission, in making its  
711 assessment and confirmation, may rely on the representations made by  
712 the applicant under oath in open court with respect to convictions in  
713 other states of offenses specified in subsection (a) of this section. Upon  
714 confirmation of eligibility and receipt of the evaluation report, the  
715 defendant shall be referred to the Department of Mental Health and  
716 Addiction Services by the Bail Commission for [evaluation and]  
717 placement in an appropriate alcohol intervention program for one  
718 year. Any person who enters the system shall agree: (1) To the tolling

719 of the statute of limitations with respect to such crime, (2) to a waiver  
720 of such person's right to a speedy trial, (3) to [participate in at least]  
721 complete ten or fifteen counseling sessions in an alcohol intervention  
722 program pursuant to this section [or, if such person was charged with  
723 a violation of subdivision (2) of subsection (a) of section 14-227a, where  
724 the ratio of alcohol in the blood of such person was sixteen-hundredths  
725 of one per cent or more of alcohol, by weight, to participate in at least  
726 fifteen counseling sessions in an alcohol program pursuant to this  
727 section, and complete the assigned program] dependent upon the  
728 evaluation report and the court order, (4) to accept placement in a  
729 treatment program upon recommendation of a provider under  
730 contract with the Department of Mental Health and Addiction Services  
731 pursuant to subsection (d) of this section or placement in a treatment  
732 program which has standards substantially similar to, or higher than, a  
733 program of a provider under contract with the Department of Mental  
734 Health and Addiction Services if the Bail Commission deems it  
735 appropriate, and (5) if ordered by the court, to participate in at least  
736 one victim impact panel. The suspension of the motor vehicle  
737 operator's license of any such person pursuant to section 14-227b, as  
738 amended by this act, shall be effective during the period such person is  
739 participating in such program, provided such person shall have the  
740 option of not commencing the participation in such program until the  
741 period of such suspension is completed. If the Bail Commission  
742 informs the court that the defendant is ineligible for the system and the  
743 court makes a determination of ineligibility or if the program provider  
744 certifies to the court that the defendant did not successfully complete  
745 the assigned program or is no longer amenable to treatment, the court  
746 shall order the court file to be unsealed, enter a plea of not guilty for  
747 such defendant and immediately place the case on the trial list. If such  
748 defendant satisfactorily completes the assigned program, such  
749 defendant may apply for dismissal of the charges against such  
750 defendant and the court, on reviewing the record of the defendant's  
751 participation in such program submitted by the Bail Commission and  
752 on finding such satisfactory completion, shall dismiss the charges. If  
753 the defendant does not apply for dismissal of the charges against such

754 defendant after satisfactorily completing the assigned program the  
755 court, upon receipt of the record of the defendant's participation in  
756 such program submitted by the Bail Commission, may on its own  
757 motion make a finding of such satisfactory completion and dismiss the  
758 charges. Upon motion of the defendant and a showing of good cause,  
759 the court may extend the one-year placement period for a reasonable  
760 period for the defendant to complete the assigned program. A record  
761 of participation in such program shall be retained by the Bail  
762 Commission for a period of seven years from the date of application.  
763 The Bail Commission shall transmit to the Department of Motor  
764 Vehicles a record of participation in such program for each person who  
765 satisfactorily completes such program. The Department of Motor  
766 Vehicles shall maintain for a period of seven years the record of a  
767 person's participation in such program as part of such person's driving  
768 record.

769 (c) At the time the court grants the application for participation in  
770 the pretrial alcohol education system, such person shall also pay to the  
771 court a nonrefundable program fee of [four] three hundred twenty-five  
772 dollars [or, if such person was charged with a violation of subdivision  
773 (2) of subsection (a) of section 14-227a, where the ratio of alcohol in the  
774 blood of such person was sixteen-hundredths of one per cent or more  
775 of alcohol, by weight, a nonrefundable program fee of six hundred  
776 dollars] if such person is ordered to participate in the ten-session  
777 program and a nonrefundable program fee of five hundred dollars if  
778 such person is ordered to participate in the fifteen-session program,  
779 except that no person may be excluded from such program for  
780 inability to pay such fee, provided (1) such person files with the court  
781 an affidavit of indigency or inability to pay, (2) such indigency is  
782 confirmed by the Bail Commission, and (3) the court enters a finding  
783 thereof. If the court denies the application, such person shall not be  
784 required to pay the program fee. If the court grants the application,  
785 and such person is later determined to be ineligible for participation in  
786 such pretrial alcohol education system or fails to complete the assigned  
787 program, the program fee shall not be refunded. All such evaluation

788 and program fees shall be credited to the pretrial account.

789 (d) The Department of Mental Health and Addiction Services shall  
790 contract with service providers, develop standards and oversee  
791 appropriate alcohol programs to meet the requirements of this section.  
792 Said department shall adopt regulations in accordance with chapter 54  
793 to establish standards for such alcohol programs. Any defendant  
794 whose employment or residence makes it unreasonable to attend an  
795 alcohol program in this state may attend a program in another state  
796 which has standards substantially similar to, or higher than, those of  
797 this state, subject to the approval of the court and payment of the  
798 application, evaluation and program fees as provided in this section.

799 (e) The court may, as a condition of granting such application,  
800 require that such person participate in a victim impact panel program  
801 approved by the Court Support Services Division of the Judicial  
802 Department. Such victim impact panel program shall provide a  
803 nonconfrontational forum for the victims of alcohol-related or drug-  
804 related offenses and offenders to share experiences on the impact of  
805 alcohol-related or drug-related incidents in their lives. Such victim  
806 impact panel program shall be conducted by a nonprofit organization  
807 that advocates on behalf of victims of accidents caused by persons who  
808 operated a motor vehicle while under the influence of intoxicating  
809 liquor or any drug, or both. Such organization may assess a  
810 participation fee of not more than twenty-five dollars on any person  
811 required by the court to participate in such program."