



General Assembly

January Session, 2003

**Committee Bill No. 5530**

LCO No. 3950

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING ANIMAL CRUELTY PREVENTION AND  
EDUCATION.**

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

1 Section 1. Subsection (a) of section 53a-30 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (a) When imposing sentence of probation or conditional discharge,  
5 the court may, as a condition of the sentence, order that the defendant:  
6 (1) Work faithfully at a suitable employment or faithfully pursue a  
7 course of study or of vocational training that will equip the defendant  
8 for suitable employment; (2) undergo medical or psychiatric treatment  
9 and remain in a specified institution, when required for that purpose;  
10 (3) support the defendant's dependents and meet other family  
11 obligations; (4) make restitution of the fruits of the defendant's offense  
12 or make restitution, in an amount the defendant can afford to pay or  
13 provide in a suitable manner, for the loss or damage caused thereby  
14 and the court may fix the amount thereof and the manner of  
15 performance; (5) if a minor, (A) reside with the minor's parents or in a  
16 suitable foster home, (B) attend school, and (C) contribute to the

17 minor's own support in any home or foster home; (6) post a bond or  
18 other security for the performance of any or all conditions imposed; (7)  
19 refrain from violating any criminal law of the United States, this state  
20 or any other state; (8) if convicted of a misdemeanor or a felony, other  
21 than a capital felony, a class A felony or a violation of section 21a-278,  
22 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any  
23 offense for which there is a mandatory minimum sentence which may  
24 not be suspended or reduced by the court, and any sentence of  
25 imprisonment is suspended, participate in an alternate incarceration  
26 program; (9) reside in a residential community center or halfway  
27 house approved by the Commissioner of Correction, and contribute to  
28 the cost incident to such residence; (10) participate in a program of  
29 community service labor in accordance with section 53a-39c; (11)  
30 participate in a program of community service in accordance with  
31 section 51-181c; (12) if convicted of a violation of subdivision (2) of  
32 subsection (a) of section 53-21, section 53a-70, 53a-70a, 53a-70b, 53a-71,  
33 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)  
34 if convicted of a criminal offense against a victim who is a minor, a  
35 nonviolent sexual offense or a sexually violent offense, as defined in  
36 section 54-250, or of a felony that the court finds was committed for a  
37 sexual purpose, as provided in section 54-254, register such person's  
38 identifying factors, as defined in section 54-250, with the  
39 Commissioner of Public Safety when required pursuant to section 54-  
40 251, 54-252 or 54-253, as the case may be; (14) be subject to electronic  
41 monitoring; (15) if convicted of a violation of section 46a-58, 53-37a,  
42 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime  
43 education program; (16) if convicted of a violation of section 53-247,  
44 undergo psychiatric or psychological counseling or participate in an  
45 animal cruelty prevention and education program; (17) satisfy any  
46 other conditions reasonably related to the defendant's rehabilitation.  
47 The court shall cause a copy of any such order to be delivered to the  
48 defendant and to the probation officer, if any.

49 Sec. 2. Section 54-56e of the general statutes is repealed and the  
50 following is substituted in lieu thereof (*Effective October 1, 2003*):

51 (a) There shall be a pretrial program for accelerated rehabilitation of  
52 persons accused of a crime or crimes or a motor vehicle violation or  
53 violations for which a sentence to a term of imprisonment may be  
54 imposed, which crimes or violations are not of a serious nature.

55 (b) The court may, in its discretion, invoke such program on motion  
56 of the defendant or on motion of a state's attorney or prosecuting  
57 attorney with respect to a defendant (1) who, the court believes, will  
58 probably not offend in the future, (2) who has no previous record of  
59 conviction of a crime or of a violation of section 14-196, subsection (c)  
60 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
61 section 14-227a, (3) who has not been adjudged a youthful offender  
62 within the preceding five years under the provisions of sections 54-76b  
63 to 54-76n, inclusive, and (4) who states under oath, in open court or  
64 before any person designated by the clerk and duly authorized to  
65 administer oaths, under the penalties of perjury that the defendant has  
66 never had such program invoked in the defendant's behalf, provided  
67 the defendant shall agree thereto and provided notice has been given  
68 by the defendant, on a form approved by rule of court, to the victim or  
69 victims of such crime or motor vehicle violation, if any, by registered  
70 or certified mail and such victim or victims have an opportunity to be  
71 heard thereon. In determining whether to grant an application under  
72 this section with respect to a person who has been adjudged a youthful  
73 offender under the provisions of sections 54-76b to 54-76n, inclusive,  
74 more than five years prior to the date of such application, and  
75 notwithstanding the provisions of section 54-76l, the court shall have  
76 access to the youthful offender records of such person and may  
77 consider the nature and circumstances of the crime with which such  
78 person was charged as a youth. Any defendant who makes application  
79 for participation in such program shall pay to the court an application  
80 fee of thirty-five dollars.

81 (c) This section shall not be applicable: (1) To any person charged  
82 with a class A felony, a class B felony, except a violation of section 53a-  
83 122 that does not involve the use, attempted use or threatened use of

84 physical force against another person, or a violation of section 14-227a,  
85 subdivision (2) of subsection (a) of section 53-21, section 53a-56b,  
86 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, (2) to any  
87 person charged with a crime or motor vehicle violation who, as a result  
88 of the commission of such crime or motor vehicle violation, causes the  
89 death of another person, (3) to any person accused of a family violence  
90 crime as defined in section 46b-38a who (A) is eligible for the pretrial  
91 family violence education program established under section 46b-38c,  
92 or (B) has previously had the pretrial family violence education  
93 program invoked in such person's behalf, (4) to any person charged  
94 with a violation of section 21a-267 or 21a-279 who (A) is eligible for the  
95 pretrial drug education program established under section 54-56i, or  
96 (B) has previously had the pretrial drug education program invoked in  
97 such person's behalf, or (5) unless good cause is shown, to any person  
98 charged with a class C felony.

99 (d) Except as provided in [subsection (e)] subsections (e) and (f) of  
100 this section, any defendant who enters such program shall pay to the  
101 court a participation fee of one hundred dollars. Any defendant who  
102 enters such program shall agree to the tolling of any statute of  
103 limitations with respect to such crime and to a waiver of the right to a  
104 speedy trial. Any such defendant shall appear in court and shall, under  
105 such conditions as the court shall order, be released to the custody of  
106 the Court Support Services Division, except that, if a criminal docket  
107 for drug-dependent persons has been established pursuant to section  
108 51-181b in the judicial district, such defendant may be transferred,  
109 under such conditions as the court shall order, to the court handling  
110 such docket for supervision by such court. If the defendant refuses to  
111 accept, or, having accepted, violates such conditions, the defendant's  
112 case shall be brought to trial. The period of such probation or  
113 supervision, or both, shall not exceed two years. The court may order  
114 that as a condition of such probation the defendant participate in the  
115 zero-tolerance drug supervision program established pursuant to  
116 section 53a-39d. If the defendant has reached the age of sixteen years  
117 but has not reached the age of eighteen years, the court may order that

118 as a condition of such probation the defendant be referred for services  
119 to a youth service bureau established pursuant to section 17a-39,  
120 provided the court finds, through an assessment by a youth service  
121 bureau or its designee, that the defendant is in need of and likely to  
122 benefit from such services. When determining any conditions of  
123 probation to order for a person entering such program who was  
124 charged with a misdemeanor that did not involve the use, attempted  
125 use or threatened use of physical force against another person or a  
126 motor vehicle violation, the court shall consider ordering the person to  
127 perform community service in the community in which the offense or  
128 violation occurred. If the court determines that community service is  
129 appropriate, such community service may be implemented by a  
130 community court established in accordance with section 51-181c if the  
131 offense or violation occurred within the jurisdiction of a community  
132 court established by said section. If the defendant is charged with a  
133 violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the  
134 court may order that as a condition of such probation the defendant  
135 participate in a hate crimes diversion program as provided in  
136 subsection (e) of this section. If a defendant is charged with a violation  
137 of section 53-247, the court may order that as a condition of such  
138 probation the defendant undergo psychiatric or psychological  
139 counseling or participate in an animal cruelty prevention and  
140 education program as provided in subsection (f) of this section.

141 (e) If the court orders the defendant to participate in a hate crimes  
142 diversion program as a condition of probation, the defendant shall pay  
143 to the court a participation fee of four hundred twenty-five dollars. No  
144 person may be excluded from such program for inability to pay such  
145 fee, provided (1) such person files with the court an affidavit of  
146 indigency or inability to pay, (2) such indigency or inability to pay is  
147 confirmed by the Court Support Services Division, and (3) the court  
148 enters a finding thereof. The Judicial Department shall contract with  
149 service providers, develop standards and oversee appropriate hate  
150 crimes diversion programs to meet the requirements of this section.  
151 Any defendant whose employment or residence makes it unreasonable

152 to attend a hate crimes diversion program in this state may attend a  
153 program in another state which has standards substantially similar to,  
154 or higher than, those of this state, subject to the approval of the court  
155 and payment of the application and program fees as provided in this  
156 section. The hate crimes diversion program shall consist of an  
157 educational program and supervised community service.

158 (f) If the court orders the defendant to participate in an animal  
159 cruelty prevention and education program as a condition of probation,  
160 the defendant shall pay to the court a participation fee of two hundred  
161 dollars. No person may be excluded from such program for inability to  
162 pay such fee, provided (1) such person files with the court an affidavit  
163 of indigency or inability to pay, (2) such indigency or inability to pay is  
164 confirmed by the Court Support Services Division, and (3) the court  
165 enters a finding thereof. The Judicial Department shall contract with  
166 service providers, develop standards and oversee appropriate animal  
167 cruelty prevention and education programs to meet the requirements  
168 of this section. Any defendant whose employment or residence makes  
169 it unreasonable to attend an animal cruelty prevention and education  
170 program in this state may attend a program in another state which has  
171 standards substantially similar to, or higher than, those of this state,  
172 subject to the approval of the court and payment of the application and  
173 program fees as provided in this section.

174 ~~[(f)]~~ (g) If a defendant released to the custody of the Court Support  
175 Services Division satisfactorily completes such defendant's period of  
176 probation, such defendant may apply for dismissal of the charges  
177 against such defendant and the court, on finding such satisfactory  
178 completion, shall dismiss such charges. If the defendant does not apply  
179 for dismissal of the charges against such defendant after satisfactorily  
180 completing such defendant's period of probation, the court, upon  
181 receipt of a report submitted by the Court Support Services Division  
182 that the defendant satisfactorily completed such defendant's period of  
183 probation, may on its own motion make a finding of such satisfactory  
184 completion and dismiss such charges. If a defendant transferred to the

185 court handling the criminal docket for drug-dependent persons  
186 satisfactorily completes such defendant's period of supervision, the  
187 court shall release the defendant to the custody of the Court Support  
188 Services Division under such conditions as the court shall order or  
189 shall dismiss such charges. Upon dismissal, all records of such charges  
190 shall be erased pursuant to section 54-142a. An order of the court  
191 denying a motion to dismiss the charges against a defendant who has  
192 completed such defendant's period of probation or supervision or  
193 terminating the participation of a defendant in such program shall be a  
194 final judgment for purposes of appeal.

195 Sec. 3. Subsection (c) of section 46b-140 of the general statutes is  
196 repealed and the following is substituted in lieu thereof (*Effective*  
197 *October 1, 2003*):

198 (c) The court may order, as a condition of probation, that the child  
199 (1) reside with a parent, relative or guardian or in a suitable foster  
200 home or other residence approved by the court, (2) attend school and  
201 class on a regular basis and comply with school policies on student  
202 conduct and discipline, (3) refrain from violating any federal or state  
203 law or municipal or local ordinance, (4) undergo any medical or  
204 psychiatric evaluation or treatment deemed necessary by the court, (5)  
205 submit to random drug or alcohol testing, or both, (6) participate in a  
206 program of alcohol or drug treatment, or both, (7) make restitution to  
207 the victim of the offense in accordance with subsection (d) of this  
208 section, (8) participate in an alternative incarceration program or other  
209 program established through the Court Support Services Division, (9)  
210 participate in a program of community service, and (10) satisfy any  
211 other conditions deemed appropriate by the court. The court shall  
212 cause a copy of any such order to be delivered to the child, the child's  
213 parents or guardian and the child's probation officer. If the child is  
214 convicted as delinquent for a violation of section 53-247, the court shall  
215 order, as a condition of probation, that the child undergo psychiatric or  
216 psychological counseling or participate in an animal cruelty  
217 prevention and education program.

218 Sec. 4. Subsection (b) of section 54-76j of the general statutes is  
219 repealed and the following is substituted in lieu thereof (*Effective*  
220 *October 1, 2003*):

221 (b) If execution of the sentence is suspended under subdivision (6)  
222 of subsection (a), the defendant may be placed on probation or  
223 conditional discharge for a period not to exceed three years, provided  
224 the court in its discretion may from time to time, while such probation  
225 is in force, extend such probation for a period not to exceed five years,  
226 including the original probationary period. If the court places the  
227 person adjudicated to be a youthful offender on probation, the court  
228 may order that as a condition of such probation the person be referred  
229 for services to a youth service bureau established pursuant to section  
230 17a-39, provided the court finds, through an assessment by a youth  
231 service bureau or its designee, that the person is in need of and likely  
232 to benefit from such services. If the court places a person adjudicated  
233 as a youthful offender on probation, the court may order that as a  
234 condition of such probation the person participate in the zero-tolerance  
235 drug supervision program established pursuant to section 53a-39d. If  
236 the court places a youthful offender on probation, school and class  
237 attendance on a regular basis and satisfactory compliance with school  
238 policies on student conduct and discipline may be a condition of such  
239 probation and, in such a case, failure to so attend or comply shall be a  
240 violation of probation. If the court has reason to believe that the person  
241 adjudicated to be a youthful offender is or has been an unlawful user  
242 of narcotic drugs as defined in section 21a-240, and the court places  
243 such youthful offender on probation, the conditions of probation,  
244 among other things, shall include a requirement that such person shall  
245 submit to periodic tests to determine, by the use of "synthetic opiate  
246 antinarcotic in action", nalline test or other detection tests, at a hospital  
247 or other facility, equipped to make such tests, whether such person is  
248 using narcotic drugs. A failure to report for such tests or a  
249 determination that such person is unlawfully using narcotic drugs  
250 shall constitute a violation of probation. If the court places a person  
251 adjudicated as a youthful offender for a violation of section 53-247 on

252 probation, the court shall order such person to undergo psychiatric or  
253 psychological counseling or participate in an animal cruelty  
254 prevention and education program.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

**Statement of Purpose:**

To authorize the court to order an adult or juvenile charged with cruelty to animals to undergo counseling or participate in an animal cruelty prevention and education program.

*[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.]*

Co-Sponsors: REP. URBAN, 43rd Dist.

H.B. 5530