



General Assembly

January Session, 2005

Amendment

LCO No. 5631

HB0690105631HRO

Offered by:
REP. GOOGINS, 31st Dist.

To: House Bill No. 6901

File No. 439

Cal. No. 325

"AN ACT CONCERNING UNDERAGE DRINKING."

1 In line 13, strike "have committed an infraction" and insert in lieu
2 thereof "be fined not more than five hundred dollars or imprisoned not
3 more than one year, or both."

4 After line 13, add the following:

5 "(c) If the court finds that a person charged with a violation of this
6 section (1) will probably not offend in the future, (2) has not previously
7 been convicted of a violation of this section, and (3) has not previously
8 had a prosecution under this section suspended pursuant to this
9 subsection, it may order suspension of prosecution. The court shall not
10 order suspension of prosecution unless the accused person has
11 acknowledged that he or she understands the consequences of the
12 suspension of prosecution. Any person for whom prosecution is
13 suspended shall agree to the tolling of any statute of limitations with
14 respect to such violation and to a waiver of such person's right to a
15 speedy trial. Such person shall appear in court and shall be released to

16 the custody of the Court Support Services Division for such period, not
17 exceeding one year, and under such conditions, including the
18 performance of community service, as the court shall order. If the
19 person refuses to accept, or, having accepted, violates such conditions,
20 the court shall terminate the suspension of prosecution and the case
21 shall be brought to trial. If such person satisfactorily completes such
22 person's period of probation, such person may apply for dismissal of
23 the charges against him or her and the court, on finding such
24 satisfactory completion, shall dismiss such charges. If the person does
25 not apply for dismissal of the charges against him or her after
26 satisfactorily completing such person's period of probation, the court,
27 upon receipt of a report submitted by the Court Support Services
28 Division that the person satisfactorily completed the period of
29 probation, may on its own motion make a finding of such satisfactory
30 completion and dismiss such charges. Upon dismissal, all records of
31 such charges shall be erased pursuant to section 54-142a of the general
32 statutes. An order of the court denying a motion to dismiss the charges
33 against a person who has completed such person's period of probation
34 or terminating the suspension of prosecution shall be a final judgment
35 for purposes of appeal."