



# House of Representatives

General Assembly

**File No. 751**

January Session, 2009

Substitute House Bill No. 6708

*House of Representatives, April 20, 2009*

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

***AN ACT CONCERNING CRIMINAL CASES OF PERSONS WHO HAVE RETURNED FROM SERVICE WITH THE ARMED FORCES.***

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) The Chief Court  
2 Administrator may establish in any court location a docket separate  
3 from other criminal matters for the hearing of criminal matters in  
4 which a defendant has returned from service with the armed forces, as  
5 defined in section 27-103 of the general statutes. The docket shall be  
6 available to defendants who, as a result of such service, could benefit  
7 from placement in a substance abuse treatment program or other  
8 program that provides mental health services.

9 (b) The Chief Court Administrator may establish, within available  
10 appropriations, one or more courts for the hearing of criminal matters  
11 in which a defendant has returned from service with the armed forces,  
12 as defined in section 27-103 of the general statutes, who, as a result of  
13 such service, could benefit from placement in a substance abuse  
14 treatment program or other program that provides mental health

15 services.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Potential Cost	Significant	Significant

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill permits the Chief Court Administrator to establish, within available appropriations, a separate criminal docket to hear criminal matters in which a defendant has returned from service with the armed forces. The docket shall be available to defendants who, as a result of such service, could benefit from placement in a substance abuse treatment program or other program that provides mental health services.

Establishment of this docket is expected to increase: (1) usage of contracted substance abuse treatment and other mental health services; and (2) the number of hearings held in these cases. The magnitude of costs associated with these increases would depend upon the number of defendants processed through this docket, which is uncertain. However, given the contractual costs of various substance abuse treatment and mental health services, even if relatively few offenders are handled through this separate docket, a significant cost would be incurred. (For illustrative purposes, treating 50 offenders each year would cost at least \$162,350. See below for details.)

The cost of substance abuse treatment programs and other mental health services provided by the Court Support Services Division of the

Judicial Department ranges from \$3,247 to \$42,844 per participant.<sup>1</sup> Establishment of a separate docket to hear these specific criminal matters could increase the workload of the court, state's attorneys and public defenders to the extent that additional hearings are held in each case. (For example, approximately 17% more hearings are held in domestic violence docket cases.) It is anticipated that this workload increase could be accommodated without requiring additional resources provided the special docket is limited to one courthouse.

The bill specifies that the Judicial Department implement the provisions of the bill within available appropriations. With passage of the bill, the Department would either (1) re-allocate existing funding for this purpose from another program; (2) incur additional costs; or (3) delay or not implement this program due to lack of funding.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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<sup>1</sup> The community-based Drug Intervention Program (which replaced "drug courts") provides clinical evaluations, treatment, case management and support at a per-client cost of approximately \$3,247; the community-based (residential) substance abuse program provides substance abuse treatment, individual and group counseling, educational/vocational skills development, crisis intervention, health intervention, independent living skills training, family counseling, access to recreational opportunities, pre-release counseling, and aftercare/discharge planning over a 3-6 month period at a per-client cost of \$42,844.

**OLR Bill Analysis**

**sHB 6708**

***AN ACT CONCERNING CRIMINAL CASES OF PERSONS WHO  
HAVE RETURNED FROM SERVICE WITH THE ARMED FORCES.***

**SUMMARY:**

The bill authorizes the chief court administrator to establish dockets separate from other criminal matters or, within available recourses, one or more courts for hearing criminal matters for defendants who (1) have returned from the armed forces and (2) as a result of such service, could benefit from placement in a substance abuse treatment program or other program that provides mental health services.

Under the bill, "armed forces" means the United States Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component, including the Connecticut National Guard performing duty as provided in federal law.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0 (03/31/2009)