



General Assembly

January Session, 2009

**Substitute Bill No. 1065**

\* SB01065VA\_JUD030509 \*

**AN ACT CONCERNING A PRETRIAL DIVERSIONARY PROGRAM FOR VETERANS.**

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) There shall be a  
2 supervised diversionary program for veterans accused of a crime or  
3 crimes or a motor vehicle violation or violations for which a sentence  
4 to a term of imprisonment may be imposed, which crimes or violations  
5 are not of a serious nature. The program shall be open to any veteran  
6 who demonstrates that he or she has service-related traumatic brain  
7 injury or post traumatic stress disorder.

8 (b) A veteran shall be ineligible for participation in such supervised  
9 diversionary program if such veteran (1) is ineligible to participate in  
10 the pretrial program for accelerated rehabilitation under subsection (c)  
11 of section 54-56e of the general statutes, or (2) has twice previously  
12 participated in such supervised diversionary program.

13 (c) Upon application by any veteran for participation in the  
14 program, the court shall, but only as to the public, order the court file  
15 sealed provided such veteran states under oath, in open court or before  
16 any person designated by the clerk and duly authorized to administer  
17 oaths, under penalties of perjury, that such veteran has not had such  
18 program invoked in such veteran's behalf more than once. Court  
19 personnel shall provide notice, on a form approved by rule of court, to  
20 any victim of such crime or motor vehicle violation, by registered or

21 certified mail, that such veteran has applied for the program and that  
22 such victim has an opportunity to be heard by the court on the matter.

23 (d) The court shall refer such veteran to the Court Support Services  
24 Division for confirmation of eligibility and assessment of the veteran's  
25 mental health condition. The prosecuting attorney shall provide the  
26 division with a copy of the police report in the case to assist the  
27 division in its assessment. The division shall determine if the veteran is  
28 amenable to treatment and if appropriate services and treatment are  
29 available. If the division determines that the veteran is amenable to  
30 treatment and that appropriate services and treatment are available, it  
31 shall develop a treatment plan tailored to the veteran and shall present  
32 it to the court.

33 (e) Upon confirmation of eligibility and consideration of the  
34 treatment plan presented by the Court Support Services Division, the  
35 court may grant such application. If the court grants the application,  
36 such veteran shall be referred to the division. The division shall  
37 collaborate with the Department of Mental Health and Addiction  
38 Services and the Department of Veterans' Affairs to place such veteran  
39 in a program that provides appropriate community supervision,  
40 treatment and services. The veteran shall be subject to the supervision  
41 of a probation officer who has a reduced caseload and specialized  
42 training in working with veterans who have service-related traumatic  
43 brain injury or post traumatic stress disorder.

44 (f) The Court Support Services Division shall establish policy and  
45 procedures to require division employees to notify any victim of the  
46 veteran admitted to the program of any conditions ordered by the  
47 court that directly affect the victim and of such veteran's scheduled  
48 court appearances with respect to the case.

49 (g) Any veteran who enters the program shall agree: (1) To the  
50 tolling of the statute of limitations with respect to such crime or  
51 violation; (2) to a waiver of such veteran's right to a speedy trial; and  
52 (3) to any conditions that may be established by the division

53 concerning participation in the supervised diversionary program  
54 including conditions concerning participation in meetings or sessions  
55 of the program.

56 (h) If the Court Support Services Division informs the court that  
57 such veteran is ineligible for the program and the court makes a  
58 determination of ineligibility or if the division certifies to the court that  
59 such veteran did not successfully complete the assigned program, the  
60 court shall order the court file to be unsealed, enter a plea of not guilty  
61 for such veteran and immediately place the case on the trial list.

62 (i) If such veteran satisfactorily completes the assigned program,  
63 such veteran may apply for dismissal of the charges against such  
64 veteran and the court, on reviewing the record of such veteran's  
65 participation in such program submitted by the Court Support  
66 Services Division and on finding such satisfactory completion, shall  
67 dismiss the charges. If such veteran does not apply for dismissal of the  
68 charges against such veteran after satisfactorily completing the  
69 assigned program, the court, upon receipt of the record of such  
70 veteran's participation in such program submitted by the Court  
71 Support Services Division, may on its own motion make a finding of  
72 such satisfactory completion and dismiss the charges. Except as  
73 provided in subsection (j) of this section, upon dismissal, all records of  
74 such charges shall be erased pursuant to section 54-142a of the general  
75 statutes. An order of the court denying a motion to dismiss the charges  
76 against a veteran who has completed such veteran's period of  
77 probation or supervision or terminating the participation of a veteran  
78 in such program shall be a final judgment for purposes of appeal.

79 (j) The Court Support Services Division shall develop and maintain  
80 a database of information concerning veterans admitted to the  
81 supervised diversionary program that shall be available to the state  
82 police and organized local police departments for use by sworn police  
83 officers when responding to incidents involving such veterans. Such  
84 information shall include the veteran's name, date of birth, Social  
85 Security number, the violation or violations with which the veteran

86 was charged, the dates of program participation and whether a deadly  
87 weapon or dangerous instrument was involved in the violation or  
88 violations for which the program was granted. The division shall enter  
89 such information in the database upon such veteran's entry into the  
90 program, update such information as necessary and retain such  
91 information for a period of five years after the date of such veteran's  
92 entry into the program.

93 (k) The Court Support Services Division, in collaboration with the  
94 Department of Mental Health and Addiction Services and the  
95 Department of Veterans' Affairs, shall develop standards and oversee  
96 appropriate treatment programs to meet the requirements of this  
97 section and may contract with service providers to provide such  
98 programs.

99 (l) The Court Support Services Division shall retain the police report  
100 provided to it by the prosecuting attorney and the record of  
101 supervision including the dates of supervision and shall provide such  
102 information to the court, prosecuting attorney and defense counsel  
103 whenever a court is considering whether to grant an application by  
104 such veteran for participation in the supervised diversionary program  
105 for a second time.

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

**Statement of Legislative Commissioners:**

For the purpose of clarity, in subsection (b) of section 1 "of the general statutes" was inserted after " section 54-56e", and in subsection (i) of section 1 "of the general statutes" was inserted after "section 54-142a".

**VA**

*Joint Favorable Subst.-LCO C/R*

**JUD**