



General Assembly

January Session, 2011

**Governor's Bill No. 6391**

LCO No. 3598

\*03598 \_\_\_\_\_ \*

Referred to Committee on Judiciary

Introduced by:

REP. DONOVAN, 84<sup>th</sup> Dist.

REP. SHARKEY, 88<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

SEN. LOONEY, 11<sup>th</sup> Dist.

**AN ACT CONCERNING PENALTIES FOR CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES, OFFENDER RISK REDUCTION EARNED CREDITS AND HOME CONFINEMENT FOR CERTAIN NONVIOLENT DRUG OFFENDERS.**

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

1 Section 1. Subsection (g) of section 14-227a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2011*):

4 (g) Any person who violates any provision of subsection (a) of this  
5 section shall: (1) For conviction of a first violation, (A) be fined not less  
6 than five hundred dollars or more than one thousand dollars, and (B)  
7 be (i) imprisoned not more than six months, forty-eight consecutive  
8 hours of which may not be suspended or reduced in any manner, or  
9 (ii) imprisoned not more than six months, with the execution of such  
10 sentence of imprisonment suspended entirely and a period of  
11 probation imposed requiring as a condition of such probation that

12 such person perform one hundred hours of community service, as  
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle  
14 operator's license or nonresident operating privilege suspended for  
15 one year, or (ii) have such person's motor vehicle operator's license or  
16 nonresident operating privilege suspended for three months and be  
17 prohibited for the nine-month period following completion of such  
18 period of suspension from operating a motor vehicle unless such  
19 motor vehicle is equipped with a functioning, approved ignition  
20 interlock device, as defined in section 14-227j; (2) for conviction of a  
21 second violation within ten years after a prior conviction for the same  
22 offense, (A) be fined not less than one thousand dollars or more than  
23 four thousand dollars, (B) be imprisoned not more than two years, one  
24 hundred twenty consecutive days of which may not be suspended or  
25 reduced in any manner, and sentenced to a period of probation  
26 requiring as a condition of such probation that such person perform  
27 one hundred hours of community service, as defined in section 14-  
28 227e, and (C) (i) if such person is under twenty-one years of age at the  
29 time of the offense, have such person's motor vehicle operator's license  
30 or nonresident operating privilege suspended for three years or until  
31 the date of such person's twenty-first birthday, whichever is longer,  
32 and be prohibited for the two-year period following completion of  
33 such period of suspension from operating a motor vehicle unless such  
34 motor vehicle is equipped with a functioning, approved ignition  
35 interlock device, as defined in section 14-227j, or (ii) if such person is  
36 twenty-one years of age or older at the time of the offense, have such  
37 person's motor vehicle operator's license or nonresident operating  
38 privilege suspended for one year and be prohibited for the two-year  
39 period following completion of such period of suspension from  
40 operating a motor vehicle unless such motor vehicle is equipped with  
41 a functioning, approved ignition interlock device, as defined in section  
42 14-227j; and (3) for conviction of a third and subsequent violation  
43 within ten years after a prior conviction for the same offense, (A) be  
44 fined not less than two thousand dollars or more than eight thousand  
45 dollars, (B) be imprisoned not more than three years, one year of which

46 may not be suspended or reduced in any manner, and sentenced to a  
47 period of probation requiring as a condition of such probation that  
48 such person perform one hundred hours of community service, as  
49 defined in section 14-227e, and (C) have such person's motor vehicle  
50 operator's license or nonresident operating privilege permanently  
51 revoked upon such third offense. For purposes of the imposition of  
52 penalties for a second or third and subsequent offense pursuant to this  
53 subsection, a conviction under the provisions of subsection (a) of this  
54 section in effect on October 1, 1981, or as amended thereafter, a  
55 conviction under the provisions of either subdivision (1) or (2) of  
56 subsection (a) of this section, a conviction under the provisions of  
57 section 53a-56b or 53a-60d or a conviction in any other state of any  
58 offense the essential elements of which are determined by the court to  
59 be substantially the same as subdivision (1) or (2) of subsection (a) of  
60 this section or section 53a-56b or 53a-60d, shall constitute a prior  
61 conviction for the same offense.

62 Sec. 2. Subsection (i) of section 14-227a of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective July*  
64 *1, 2011*):

65 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
66 whose license has been suspended in accordance with the provisions  
67 of subparagraph (C)(ii) of subdivision (1) or subparagraph (C)(i) or  
68 (C)(ii) of subdivision (2) of subsection (g) of this section to operate a  
69 motor vehicle if (A) such person has served the suspension required  
70 under said subparagraph, [(C)(i) or (C)(ii),] and (B) such person has  
71 installed an approved ignition interlock device in each motor vehicle  
72 owned or to be operated by such person. Except as provided in  
73 sections 53a-56b and 53a-60d, no person whose license is suspended by  
74 the commissioner for any other reason shall be eligible to operate a  
75 motor vehicle equipped with an approved ignition interlock device. (2)  
76 All costs of installing and maintaining an ignition interlock device  
77 shall be borne by the person required to install such device. (3) The  
78 commissioner shall adopt regulations, in accordance with the

79 provisions of chapter 54, to implement the provisions of this  
80 subsection. The regulations shall establish procedures for the approval  
81 of ignition interlock devices, for the proper calibration and  
82 maintenance of such devices and for the installation of such devices by  
83 any firm approved and authorized by the commissioner. (4) The  
84 provisions of this subsection shall not be construed to authorize the  
85 continued operation of a motor vehicle equipped with an ignition  
86 interlock device by any person whose operator's license or nonresident  
87 operating privilege is withdrawn, suspended or revoked for any other  
88 reason. (5) The provisions of this subsection shall apply to any person  
89 whose license has been suspended in accordance with the provisions  
90 of subparagraph (C)(i) or (C)(ii) of subdivision (2) of subsection (g) of  
91 this section on or after September 1, 2003, or subparagraph (C)(ii) of  
92 subdivision (1) of subsection (g) of this section on or after July 1, 2011.  
93 (6) Whenever a person is permitted by the commissioner under this  
94 subsection to operate a motor vehicle if such person has installed an  
95 approved ignition interlock device in each motor vehicle owned or to  
96 be operated by such person, the commissioner shall indicate in the  
97 electronic record maintained by the commissioner pertaining to such  
98 person's operator's license or driving history that such person is  
99 restricted to operating a motor vehicle that is equipped with an  
100 ignition interlock device and the duration of such restriction, and shall  
101 ensure that such electronic record is accessible by law enforcement  
102 officers. Any such person shall pay the commissioner a fee of one  
103 hundred dollars prior to the installation of such device. (7) There is  
104 established the ignition interlock administration account which shall  
105 be a separate, nonlapsing account in the General Fund. The  
106 commissioner shall deposit all fees paid pursuant to subdivision (6) of  
107 this subsection in the account. Funds in the account may be used by  
108 the commissioner for the administration of this subsection.

109 Sec. 3. (NEW) (*Effective July 1, 2011*) Notwithstanding any provision  
110 of the general statutes, whenever a person is sentenced to a term of  
111 imprisonment pursuant to subsection (g) of section 14-227a of the  
112 general statutes, as amended by this act, and committed by the court to

113 the custody of the Commissioner of Correction, the commissioner may  
114 immediately release such person to such person's residence subject to  
115 the conditions that such person not leave such residence unless  
116 otherwise authorized and be subject to electronic monitoring by use of  
117 a global positioning system and continuous monitoring for alcohol  
118 consumption, and any other conditions that the commissioner may  
119 impose. Any person released pursuant to this section shall remain in  
120 the custody of the commissioner and shall be supervised by employees  
121 of the department during the period of such release. Upon the  
122 violation by such person of any condition of such release, the  
123 commissioner may revoke such release and return such person to  
124 confinement in a correctional facility. For purposes of this section,  
125 "continuous monitoring for alcohol consumption" means automatically  
126 testing breath, blood or transdermal alcohol concentration levels and  
127 tamper attempts at least once every hour regardless of the location of  
128 the person being monitored.

129 Sec. 4. (NEW) (*Effective July 1, 2011*) Notwithstanding any provision  
130 of the general statutes, the Commissioner of Correction shall establish  
131 an incentive plan for inmates to earn credit toward achieving a  
132 reduction of their sentence and an early release from incarceration. The  
133 incentive plan shall provide for the earning of such credit by  
134 compliance with the inmate's accountability plan, good conduct,  
135 obedience to the rules and participation in programs that will prepare  
136 the inmate to return to the community. The commissioner shall adopt  
137 policies and procedures to determine the amount of credit that an  
138 inmate may earn toward a reduction in his or her sentence.

139 Sec. 5. (NEW) (*Effective July 1, 2011*) Notwithstanding any provision  
140 of the general statutes, whenever a person is convicted of a violation of  
141 section 21a-267 or subsection (c) of section 21a-279 of the general  
142 statutes and committed by the court to the custody of the  
143 Commissioner of Correction, the commissioner may immediately  
144 release such person to such person's residence subject to the conditions  
145 that such person not leave such residence unless otherwise authorized

146 and be subject to electronic monitoring by use of a global positioning  
 147 system, and any other conditions that the commissioner may impose.  
 148 Any person released pursuant to this section shall remain in the  
 149 custody of the commissioner and shall be supervised by employees of  
 150 the department during the period of such release. Upon the violation  
 151 by such person of any condition of such release, the commissioner may  
 152 revoke such release and return such person to confinement in a  
 153 correctional facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2011</i>	14-227a(g)
Sec. 2	<i>July 1, 2011</i>	14-227a(i)
Sec. 3	<i>July 1, 2011</i>	New section
Sec. 4	<i>July 1, 2011</i>	New section
Sec. 5	<i>July 1, 2011</i>	New section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[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.]*