



General Assembly

Substitute Bill No. 6639

January Session, 2011

* _____HB06639FIN___051911_____*

AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS.

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

1 Section 1. Subsections (a) to (c), inclusive, of section 54-56e of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2011*):

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

8 (b) The court may, in its discretion, invoke such program on motion
9 of the defendant or on motion of a state's attorney or prosecuting
10 attorney with respect to a defendant (1) who, the court believes, will
11 probably not offend in the future, (2) who has no previous record of
12 conviction of a crime or of a violation of section 14-196, subsection (c)
13 of section 14-215, section 14-222a, subsection (a) of section 14-224 or
14 section 14-227a, [(3) who has not been adjudged a youthful offender
15 within the preceding five years under the provisions of sections 54-76b
16 to 54-76n, inclusive,] and [(4)] (3) who states under oath, in open court
17 or before any person designated by the clerk and duly authorized to
18 administer oaths, under the penalties of perjury that the defendant has
19 never had such program invoked in the defendant's behalf, provided
20 the defendant shall agree thereto and provided notice has been given

21 by the defendant, on a form approved by rule of court, to the victim or
22 victims of such crime or motor vehicle violation, if any, by registered
23 or certified mail and such victim or victims have an opportunity to be
24 heard thereon. [In determining whether to grant an application under
25 this section with respect to a person who has been adjudged a youthful
26 offender under the provisions of sections 54-76b to 54-76n, inclusive,
27 more than five years prior to the date of such application, and
28 notwithstanding the provisions of section 54-76l, the court shall have
29 access to the youthful offender records of such person and may
30 consider the nature and circumstances of the crime with which such
31 person was charged as a youth.] Any defendant who makes
32 application for participation in such program shall pay to the court an
33 application fee of thirty-five dollars.

34 (c) This section shall not be applicable: (1) To any person charged
35 with a class A felony, a class B felony, except a violation of section 53a-
36 122 that does not involve the use, attempted use or threatened use of
37 physical force against another person, or a violation of section 14-227a,
38 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-
39 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, except subdivision (1) of
40 subsection (a) of said section, 53a-72a, 53a-72b, 53a-90a, 53a-196e or
41 53a-196f, (2) to any person charged with a crime or motor vehicle
42 violation who, as a result of the commission of such crime or motor
43 vehicle violation, causes the death of another person, (3) to any person
44 accused of a family violence crime as defined in section 46b-38a who
45 (A) is eligible for the pretrial family violence education program
46 established under section 46b-38c, or (B) has previously had the
47 pretrial family violence education program invoked in such person's
48 behalf, (4) [to any person charged with a violation of section 21a-267 or
49 21a-279 who (A) is eligible for the pretrial drug education program
50 established under section 54-56i, or (B) has previously had the pretrial
51 drug education program invoked in such person's behalf, (5)] unless
52 good cause is shown, to any person charged with a class C felony or a
53 violation of subdivision (1) of subsection (a) of section 53a-71, or [(6)]
54 (5) to any person charged with a violation of section 9-359 or 9-359a.

55 Sec. 2. Subsection (b) of section 54-56i of the general statutes is
56 repealed and the following is substituted in lieu thereof (*Effective*
57 *October 1, 2011*):

58 (b) Upon application by any such person for participation in such
59 program and payment to the court of an application fee of one
60 hundred dollars and a nonrefundable evaluation fee of one hundred
61 dollars, the court shall, but only as to the public, order the court file
62 sealed provided such person states under oath, in open court or before
63 any person designated by the clerk and duly authorized to administer
64 oaths, under penalties of perjury, that such person has never had such
65 program invoked in such person's behalf. A person shall be ineligible
66 for participation in such pretrial drug education program if such
67 person has previously participated in the eight-session, ten-session or
68 fifteen-session drug education program, or substance abuse treatment
69 program established under this section, [or the pretrial community
70 service labor program established under section 53a-39c.] The
71 evaluation and application fee imposed by this subsection shall be
72 credited to the pretrial account established under section 54-56k.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	54-56e(a) to (c)
Sec. 2	<i>October 1, 2011</i>	54-56i(b)

JUD *Joint Favorable Subst.*

FIN *Joint Favorable*