



General Assembly

February Session, 2012

Raised Bill No. 5553

LCO No. 2691

02691_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SUBSTANCE ABUSE PROGRAMS.

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

1 Section 1. Subsection (i) of section 14-111 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective January 1, 2013*):

4 (i) (1) Whenever any person has been convicted of any violation of
5 section 14-110, 14-147, 14-215, 14-222 or 14-224 and such person's
6 license has been suspended by the commissioner, such person may
7 make application to the commissioner for the reversal or reduction of
8 the term of such suspension. Such application shall be in writing and
9 shall state specifically the reasons why such applicant believes that the
10 applicant is entitled to such reversal or reduction. The commissioner
11 shall consider each such application and the applicant's driver control
12 record, as defined in section 14-111h, and may grant a hearing to the
13 applicant in accordance with the provisions of chapter 54 and section
14 14-4a.

15 (2) Any person whose license has been revoked in accordance with
16 subparagraph (C) of subdivision (3) of subsection (g) of section 14-227a

17 may, at any time after [six] two years from the date of such revocation,
18 request a hearing before the commissioner, conducted in accordance
19 with the provisions of chapter 54, and the provisions of subdivision (1)
20 of this subsection for reversal or reduction of such revocation. The
21 commissioner shall require such person to provide evidence that any
22 reversal or reduction of such revocation shall not endanger the public
23 safety or welfare. Such evidence shall include, but not be limited to,
24 proof that such person has successfully completed an alcohol
25 education and treatment program, and proof that such person has not
26 been convicted of any offense related to alcohol, controlled substances
27 or drugs during the preceding [six] two years. The commissioner shall
28 require any person, as a condition of granting such reversal or
29 reduction, to install and maintain an approved ignition interlock
30 device, in accordance with the provisions of subsection (i) of section
31 14-227a. The approved ignition interlock device shall be installed and
32 maintained for [a period of ten years after the date of the granting of
33 such reversal or reduction] any period during the lifetime of such
34 person in which such person owns or operates a motor vehicle. The
35 commissioner may adopt regulations, in accordance with the
36 provisions of chapter 54, to establish standards to implement the
37 provisions of this section.

38 Sec. 2. Subsection (l) of section 14-227a of the 2012 supplement to the
39 general statutes is repealed and the following is substituted in lieu
40 thereof (*Effective July 1, 2012*):

41 (l) If the court sentences a person convicted of a violation of
42 subsection (a) of this section to a period of probation, the court may
43 require as a condition of such probation that such person participate in
44 a victim impact panel program approved by the Court Support
45 Services Division of the Judicial Department. Such victim impact panel
46 program shall provide a nonconfrontational forum for the victims of
47 alcohol-related or drug-related offenses and offenders to share
48 experiences on the impact of alcohol-related or drug-related incidents
49 in their lives. Such victim impact panel program shall be conducted by

50 a nonprofit organization that advocates on behalf of victims of
51 accidents caused by persons who operated a motor vehicle while
52 under the influence of intoxicating liquor or any drug, or both. Such
53 organization may assess a participation fee of not more than [twenty-
54 five] seventy-five dollars on any person required by the court to
55 participate in such program.

56 Sec. 3. (NEW) (*Effective from passage*) (a) Any person whose motor
57 vehicle operator's license or nonresident operating privilege is
58 suspended under subsection (g) of section 14-227a of the general
59 statutes for a conviction of a violation of subsection (a) of said section
60 or under section 14-227b of the general statutes for a second or
61 subsequent violation shall, if required by the Commissioner of Motor
62 Vehicles, participate in a treatment program which includes an
63 assessment of the degree of alcohol abuse and treatment, as
64 appropriate, approved by the Commissioner of Motor Vehicles. The
65 commissioner shall not reinstate the operator's license or nonresident
66 operating privilege of any such participant until such participant
67 submits evidence to the commissioner that such participant has
68 complied with the requirements of this section. Any person whose
69 certificate is suspended or revoked pursuant to section 15-132a, 15-133,
70 15-140l or 15-140n of the general statutes shall participate in such
71 treatment program.

72 (b) The treatment program shall be designed by the commissioner,
73 with the advice and assistance of the Motor Vehicle Operator's License
74 Medical Advisory Board established pursuant to section 14-46b of the
75 general statutes, any state agency or any other public or private entity
76 engaged in the provision of responsible services for the treatment of
77 alcohol and drug addiction as the commissioner may request. The
78 program shall consist of intensive treatment and a phase of continuing
79 aftercare supervision and monitoring on an individual basis. The
80 program may be provided by one or more private organizations
81 approved by the commissioner which meet qualifications established
82 by the commissioner, provided the entire costs of the program shall be

83 paid from fees charged to the participants, the amounts of which shall
84 be subject to the approval of the commissioner.

85 (c) Upon receipt of notification from the commissioner of the
86 requirement to participate in the program, such person may petition
87 the commissioner in writing for a waiver of such requirement on the
88 following grounds: (1) The petitioner is presently undergoing a
89 substantial treatment program for alcohol or drug addiction, or has
90 completed such a program subsequent to the petitioner's most recent
91 arrest, either as a result of an order of the Superior Court or on a
92 voluntary basis, and (2) the petitioner does not, in the opinion of a
93 licensed physician based upon a personal examination, have a current
94 addiction problem which affects the petitioner's ability to operate a
95 motor vehicle in a safe manner or pose a significant risk of having such
96 a problem in the foreseeable future. In reviewing and determining
97 whether to grant any such petition, the commissioner shall request and
98 give due consideration to the advice of the Motor Vehicle Operator's
99 License Medical Advisory Board. Any person aggrieved by the
100 decision of the commissioner may appeal such decision in accordance
101 with the provisions of chapter 54 of the general statutes.

102 Sec. 4. (NEW) (*Effective from passage*) Any person whose motor
103 vehicle operator's license or nonresident operating privilege was
104 suspended under subsection (g) of section 14-227a of the general
105 statutes for a conviction of a violation of subsection (a) of said section
106 or under section 14-227b of the general statutes for a second or
107 subsequent violation, and any person whose certificate was suspended
108 or revoked pursuant to section 15-132a, 15-133, 15-140l or 15-140n of
109 the general statutes, who was participating in a treatment program
110 under section 14-227f of the general statutes in effect on December 31,
111 2011, or eligible to participate in said program on December 31, 2011,
112 may complete participation in such program or an equivalent program
113 designated by the Commissioner of Motor Vehicles and seek
114 reinstatement of the operator's license or nonresident operating
115 privilege of such person if (1) the person commences participation in

116 such program not later than December 31, 2012, and (2) the person
117 submits evidence to the Commissioner of Motor Vehicles that such
118 person has complied with the requirements of said section 14-227f not
119 later than June 30, 2014.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	14-111(i)
Sec. 2	<i>July 1, 2012</i>	14-227a(l)
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Statement of Purpose:

To: (1) Revise the penalty for a third conviction of operating a motor vehicle under the influence to allow reinstatement of an operator's license after two years with lifetime installation and maintenance of an approved ignition interlock device, (2) provide conformity for the victim impact panel program fees by amending one reference to such fee to reflect the amount of seventy-five dollars, and (3) permit persons who were eligible to participate in the Department of Motor Vehicles treatment and assessment program that was repealed effective January 1, 2012, to complete participation in such program and seek reinstatement of an operator's license or nonresident operating privilege in accordance with the requirements of the program that were in effect December 31, 2011, and establish a similar optional program for new offenders.

[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.]