



General Assembly

Substitute Bill No. 5553

February Session, 2012

* HB05553JUD 040212 *

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2 the general statutes is repealed and the following is substituted in lieu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, as amended by this act, 14-222 or 14-224
6 and such person's license has been suspended by the commissioner,
7 such person may make application to the commissioner for the
8 reversal or reduction of the term of such suspension. Such application
9 shall be in writing and shall state specifically the reasons why such
10 applicant believes that the applicant is entitled to such reversal or
11 reduction. The commissioner shall consider each such application and
12 the applicant's driver control record, as defined in section 14-111h, and
13 may grant a hearing to the applicant in accordance with the provisions
14 of chapter 54 and section 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15 (2) Any person whose license has been revoked in accordance with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-
17 227a, as amended by this act, may, at any time after [six] two years
18 from the date of such revocation, request a hearing before the
19 commissioner, conducted in accordance with the provisions of chapter
20 54, and the provisions of subdivision (1) of this subsection for reversal

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

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

42 (g) Any person who violates any provision of subsection (a) of this
43 section shall: (1) For conviction of a first violation, (A) be fined not less
44 than five hundred dollars or more than one thousand dollars, and (B)
45 be (i) imprisoned not more than six months, forty-eight consecutive
46 hours of which may not be suspended or reduced in any manner, or
47 (ii) imprisoned not more than six months, with the execution of such
48 sentence of imprisonment suspended entirely and a period of
49 probation imposed requiring as a condition of such probation that
50 such person perform one hundred hours of community service, as
51 defined in section 14-227e, and (C) have such person's motor vehicle
52 operator's license or nonresident operating privilege suspended for
53 forty-five days and, as a condition for the restoration of such license,
54 be required to install an ignition interlock device on each motor vehicle

55 owned or operated by such person and, upon such restoration, be
56 prohibited for the one-year period following such restoration from
57 operating a motor vehicle unless such motor vehicle is equipped with
58 a functioning, approved ignition interlock device, as defined in section
59 14-227j; (2) for conviction of a second violation within ten years after a
60 prior conviction for the same offense, (A) be fined not less than one
61 thousand dollars or more than four thousand dollars, (B) be
62 imprisoned not more than two years, one hundred twenty consecutive
63 days of which may not be suspended or reduced in any manner, and
64 sentenced to a period of probation requiring as a condition of such
65 probation that such person: [perform] (i) Perform one hundred hours
66 of community service, as defined in section 14-227e, (ii) submit to an
67 assessment through the Court Support Services Division of the Judicial
68 Branch of the degree of such person's alcohol or drug abuse, and (iii)
69 undergo a treatment program if so ordered, and (C) (i) if such person is
70 under twenty-one years of age at the time of the offense, have such
71 person's motor vehicle operator's license or nonresident operating
72 privilege suspended for forty-five days or until the date of such
73 person's twenty-first birthday, whichever is longer, and, as a condition
74 for the restoration of such license, be required to install an ignition
75 interlock device on each motor vehicle owned or operated by such
76 person and, upon such restoration, be prohibited for the three-year
77 period following such restoration from operating a motor vehicle
78 unless such motor vehicle is equipped with a functioning, approved
79 ignition interlock device, as defined in section 14-227j, except that for
80 the first year of such three-year period, such person's operation of a
81 motor vehicle shall be limited to such person's transportation to or
82 from work or school, an alcohol or drug abuse treatment program, an
83 appointment with a probation officer or an ignition interlock device
84 service center, or (ii) if such person is twenty-one years of age or older
85 at the time of the offense, have such person's motor vehicle operator's
86 license or nonresident operating privilege suspended for forty-five
87 days and, as a condition for the restoration of such license, be required
88 to install an ignition interlock device on each motor vehicle owned or
89 operated by such person and, upon such restoration, be prohibited for

90 the three-year period following such restoration from operating a
91 motor vehicle unless such motor vehicle is equipped with a
92 functioning, approved ignition interlock device, as defined in section
93 14-227j, except that for the first year of such three-year period, such
94 person's operation of a motor vehicle shall be limited to such person's
95 transportation to or from work or school, an alcohol or drug abuse
96 treatment program, an appointment with a probation officer or an
97 ignition interlock device service center; and (3) for conviction of a third
98 and subsequent violation within ten years after a prior conviction for
99 the same offense, (A) be fined not less than two thousand dollars or
100 more than eight thousand dollars, (B) be imprisoned not more than
101 three years, one year of which may not be suspended or reduced in
102 any manner, and sentenced to a period of probation requiring as a
103 condition of such probation that such person: [perform] (i) Perform
104 one hundred hours of community service, as defined in section 14-
105 227e, (ii) submit to an assessment through the Court Support Services
106 Division of the Judicial Branch of the degree of such person's alcohol
107 or drug abuse, and (iii) undergo a treatment program if so ordered,
108 and (C) have such person's motor vehicle operator's license or
109 nonresident operating privilege permanently revoked upon such third
110 offense, except that if such person's suspension is reversed or reduced
111 pursuant to subsection (i) of section 14-111, as amended by this act,
112 such person shall be prohibited from operating a motor vehicle unless
113 such motor vehicle is equipped with a functioning, approved ignition
114 interlock device, as defined in section 14-227j, for the time period
115 prescribed in subdivision (2) of subsection (i) of section 14-111, as
116 amended by this act. For purposes of the imposition of penalties for a
117 second or third and subsequent offense pursuant to this subsection, a
118 conviction under the provisions of subsection (a) of this section in
119 effect on October 1, 1981, or as amended thereafter, a conviction under
120 the provisions of either subdivision (1) or (2) of subsection (a) of this
121 section, a conviction under the provisions of section 53a-56b or 53a-60d
122 or a conviction in any other state of any offense the essential elements
123 of which are determined by the court to be substantially the same as
124 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b

125 or 53a-60d, shall constitute a prior conviction for the same offense.

126 Sec. 3. Subsection (i) of section 14-227a of the 2012 supplement to the
127 general statutes is repealed and the following is substituted in lieu
128 thereof (*Effective July 1, 2012*):

129 (i) (1) The Commissioner of Motor Vehicles shall permit a person
130 whose license has been suspended in accordance with the provisions
131 of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii)
132 of subdivision (2) of subsection (g) of this section, as amended by this
133 act, to operate a motor vehicle if (A) such person has served the
134 suspension required under said subparagraph, notwithstanding that
135 such person has not completed serving any suspension required under
136 subsection (i) of section 14-227b, and (B) such person has installed an
137 approved ignition interlock device in each motor vehicle owned or to
138 be operated by such person, and verifies to the commissioner, in such
139 manner as the commissioner prescribes, that such device has been
140 installed. For a period of one year after the installation of an ignition
141 interlock device by a person who is subject to subparagraph (C)(i) or
142 (C)(ii) of subdivision (2) of subsection (g) of this section, as amended
143 by this act, such person's operation of a motor vehicle shall be limited
144 to such person's transportation to or from work or school, an alcohol or
145 drug abuse treatment program, an appointment with a probation
146 officer or an ignition interlock device service center. Except as
147 provided in sections 53a-56b and 53a-60d, no person whose license is
148 suspended by the commissioner for any other reason shall be eligible
149 to operate a motor vehicle equipped with an approved ignition
150 interlock device.

151 (2) All costs of installing and maintaining an ignition interlock
152 device shall be borne by the person required to install such device. No
153 court sentencing a person convicted of a violation of subsection (a) of
154 this section may waive any fees or costs associated with the installation
155 and maintenance of an ignition interlock device.

156 (3) The commissioner shall adopt regulations, in accordance with

157 the provisions of chapter 54, to implement the provisions of this
158 subsection. The regulations shall establish procedures for the approval
159 of ignition interlock devices, for the proper calibration and
160 maintenance of such devices and for the installation of such devices by
161 any firm approved and authorized by the commissioner and shall
162 specify acts by persons required to install and use such devices that
163 constitute a failure to comply with the requirements for the installation
164 and use of such devices, the conditions under which such
165 noncompliance will result in an extension of the period during which
166 such persons are restricted to the operation of motor vehicles equipped
167 with such devices and the duration of any such extension. The
168 commissioner shall ensure that such firm provide notice to both the
169 commissioner and the Court Support Services Division of the Judicial
170 Branch whenever a person required to install such device commits a
171 violation with respect to the installation, maintenance or use of such
172 device.

173 (4) The provisions of this subsection shall not be construed to
174 authorize the continued operation of a motor vehicle equipped with an
175 ignition interlock device by any person whose operator's license or
176 nonresident operating privilege is withdrawn, suspended or revoked
177 for any other reason.

178 (5) The provisions of this subsection shall apply to any person
179 whose license has been suspended in accordance with the provisions
180 of subparagraph (C) of subdivision (1) or subparagraph (C)(i) or (C)(ii)
181 of subdivision (2) of subsection (g) of this section, as amended by this
182 act, on or after January 1, 2012.

183 (6) Whenever a person is permitted by the commissioner under this
184 subsection to operate a motor vehicle if such person has installed an
185 approved ignition interlock device in each motor vehicle owned or to
186 be operated by such person, the commissioner shall indicate in the
187 electronic record maintained by the commissioner pertaining to such
188 person's operator's license or driving history that such person is
189 restricted to operating a motor vehicle that is equipped with an

190 ignition interlock device and, if applicable, that such person's
191 operation of a motor vehicle is limited to such person's transportation
192 to or from work or school, an alcohol or drug abuse treatment
193 program, an appointment with a probation officer or an ignition
194 interlock device service center, and the duration of such restriction or
195 limitation, and shall ensure that such electronic record is accessible by
196 law enforcement officers. Any such person shall pay the commissioner
197 a fee of one hundred dollars prior to the installation of such device.
198 [Nothing in this subsection shall be construed to require the
199 commissioner to verify that each motor vehicle owned by such person
200 has been equipped with such device.]

201 (7) There is established the ignition interlock administration account
202 which shall be a separate, nonlapsing account in the General Fund. The
203 commissioner shall deposit all fees paid pursuant to subdivision (6) of
204 this subsection in the account. Funds in the account may be used by
205 the commissioner for the administration of this subsection.

206 (8) Notwithstanding any provision of the general statutes to the
207 contrary, upon request of any person convicted of a violation of
208 subsection (a) of this section whose operator's license is under
209 suspension on January 1, 2012, the Commissioner of Motor Vehicles
210 may reduce the term of suspension prescribed in subsection (g) of this
211 section, as amended by this act, and place a restriction on the
212 operator's license of such person that restricts the holder of such
213 license to the operation of a motor vehicle that is equipped with an
214 approved ignition interlock device, as defined in section 14-227j, for
215 the remainder of such prescribed period of suspension.

216 (9) Any person required to install an ignition interlock device under
217 this section shall be supervised by personnel of the Court Support
218 Services Division of the Judicial Branch while such person is subject to
219 probation supervision or by personnel of the Department of Motor
220 Vehicles if such person is not subject to probation supervision, and
221 such person shall be subject to any other terms and conditions as the
222 commissioner may prescribe and any provision of the general statutes

223 or the regulations adopted pursuant to subdivision (3) of this
224 subsection not inconsistent herewith.

225 (10) Notwithstanding the periods prescribed in subsection (g) of this
226 section, as amended by this act, and subdivision (2) of subsection [(k)]
227 (i) of section 14-111, as amended by this act, during which a person is
228 prohibited from operating a motor vehicle unless such motor vehicle is
229 equipped with a functioning, approved ignition interlock device, such
230 periods may be extended in accordance with the regulations adopted
231 pursuant to subdivision (3) of this subsection.

232 Sec. 4. Section 14-227k of the 2012 supplement to the general statutes
233 is repealed and the following is substituted in lieu thereof (*Effective July*
234 *1, 2012*):

235 (a) No person whose right to operate a motor vehicle has been
236 restricted pursuant to an order of the court under subsection (b) of
237 section 14-227j or by the Commissioner of Motor Vehicles pursuant to
238 subsection (i) of section 14-227a, as amended by this act, or subsection
239 (i) of section 14-111, as amended by this act, shall (1) request or solicit
240 another person to blow into an ignition interlock device or to start a
241 motor vehicle equipped with an ignition interlock device for the
242 purpose of providing such person with an operable motor vehicle, or
243 (2) operate any motor vehicle not equipped with a functioning ignition
244 interlock device or any motor vehicle that a court has ordered such
245 person not to operate.

246 (b) No person shall tamper with, alter or bypass the operation of an
247 ignition interlock device for the purpose of providing an operable
248 motor vehicle to a person whose right to operate a motor vehicle has
249 been restricted pursuant to an order of the court under subsection (b)
250 of section 14-227j or by the Commissioner of Motor Vehicles pursuant
251 to subsection (i) of section 14-227a, as amended by this act, or
252 subsection (i) of section 14-111, as amended by this act.

253 (c) (1) Any person who violates any provision of subdivision (1) of
254 subsection (a) or subsection (b) of this section shall be guilty of a class

255 C misdemeanor.

256 (2) Any person who violates any provision of subdivision (2) of
257 subsection (a) of this section shall be subject to the penalties set forth in
258 subsection (c) of section 14-215, as amended by this act.

259 (d) Each court shall report each conviction under subsection (a) or
260 (b) of this section to the Commissioner of Motor Vehicles, in
261 accordance with the provisions of section 14-141. The commissioner
262 shall suspend the motor vehicle operator's license or nonresident
263 operating privilege of the person reported as convicted for a period of
264 one year.

265 Sec. 5. Subsection (c) of section 14-215 of the 2012 supplement to the
266 general statutes is repealed and the following is substituted in lieu
267 thereof (*Effective July 1, 2012*):

268 (c) (1) Any person who operates any motor vehicle during the
269 period such person's operator's license or right to operate a motor
270 vehicle in this state is under suspension or revocation on account of a
271 violation of subsection (a) of section 14-227a or section 53a-56b or 53a-
272 60d or pursuant to section 14-227b, or in violation of a restriction or
273 limitation placed on such person's operator's license or right to operate
274 a motor vehicle in this state by the Commissioner of Motor Vehicles
275 pursuant to subsection (i) of section 14-227a, as amended by this act,
276 or pursuant to an order of the court under subsection (b) of section 14-
277 227j, shall be fined not less than five hundred dollars or more than one
278 thousand dollars and imprisoned not more than one year, and, in the
279 absence of any mitigating circumstances as determined by the court,
280 thirty consecutive days of the sentence imposed may not be suspended
281 or reduced in any manner.

282 (2) Any person who operates any motor vehicle during the period
283 such person's operator's license or right to operate a motor vehicle in
284 this state is under suspension or revocation on account of a second
285 violation of subsection (a) of section 14-227a or section 53a-56b or 53a-
286 60d or for the second time pursuant to section 14-227b, or in violation

287 of a restriction or limitation placed for the second time on such
288 person's operator's license or right to operate a motor vehicle in this
289 state by the Commissioner of Motor Vehicles pursuant to subsection (i)
290 of section 14-227a, as amended by this act, or pursuant to an order of
291 the court under subsection (b) of section 14-227j, shall be fined not less
292 than five hundred dollars or more than one thousand dollars and
293 imprisoned not more than two years, and, in the absence of any
294 mitigating circumstances as determined by the court, one hundred
295 twenty consecutive days of the sentence imposed may not be
296 suspended or reduced in any manner.

297 (3) Any person who operates any motor vehicle during the period
298 such person's operator's license or right to operate a motor vehicle in
299 this state is under suspension or revocation on account of a third or
300 subsequent violation of subsection (a) of section 14-227a or section 53a-
301 56b or 53a-60d or for the third or subsequent time pursuant to section
302 14-227b, or in violation of a restriction placed for the third or
303 subsequent time on such person's operator's license or right to operate
304 a motor vehicle in this state by the Commissioner of Motor Vehicles
305 pursuant to subsection (i) of section 14-227a, as amended by this act, or
306 pursuant to an order of the court under subsection (b) of section 14-
307 227j, shall be fined not less than five hundred dollars or more than one
308 thousand dollars and imprisoned not more than three years, and, in
309 the absence of any mitigating circumstances as determined by the
310 court, one year of the sentence imposed may not be suspended or
311 reduced in any manner.

312 (4) The court shall specifically state in writing for the record the
313 mitigating circumstances, or the absence thereof.

314 Sec. 6. Subsection (l) of section 14-227a of the 2012 supplement to the
315 general statutes is repealed and the following is substituted in lieu
316 thereof (*Effective July 1, 2012*):

317 (l) If the court sentences a person convicted of a violation of
318 subsection (a) of this section to a period of probation, the court may

319 require as a condition of such probation that such person participate in
320 a victim impact panel program approved by the Court Support
321 Services Division of the Judicial [Department] Branch. Such victim
322 impact panel program shall provide a nonconfrontational forum for
323 the victims of alcohol-related or drug-related offenses and offenders to
324 share experiences on the impact of alcohol-related or drug-related
325 incidents in their lives. Such victim impact panel program shall be
326 conducted by a nonprofit organization that advocates on behalf of
327 victims of accidents caused by persons who operated a motor vehicle
328 while under the influence of intoxicating liquor or any drug, or both.
329 Such organization may assess a participation fee of not more than
330 [twenty-five] seventy-five dollars on any person required by the court
331 to participate in such program.

332 Sec. 7. (NEW) (*Effective from passage*) (a) Any person whose motor
333 vehicle operator's license or nonresident operating privilege is
334 suspended under subsection (g) of section 14-227a of the general
335 statutes, as amended by this act, for a conviction of a violation of
336 subsection (a) of said section or under section 14-227b of the general
337 statutes for a second or subsequent violation shall, if required by the
338 Commissioner of Motor Vehicles, participate in a treatment program
339 which includes an assessment of the degree of alcohol abuse and
340 treatment, as appropriate, approved by the Commissioner of Motor
341 Vehicles. The commissioner shall not reinstate the operator's license or
342 nonresident operating privilege of any such participant until such
343 participant submits evidence to the commissioner that such participant
344 has complied with the requirements of this section. Any person whose
345 certificate is suspended or revoked pursuant to section 15-132a, 15-133,
346 15-140/ or 15-140n of the general statutes shall participate in such
347 treatment program.

348 (b) The treatment program shall be designed by the commissioner,
349 with the advice and assistance of the Motor Vehicle Operator's License
350 Medical Advisory Board established pursuant to section 14-46b of the
351 general statutes, any state agency or any other public or private entity
352 engaged in the provision of responsible services for the treatment of

353 alcohol and drug addiction as the commissioner may request. The
354 program shall consist of intensive treatment and a phase of continuing
355 aftercare supervision and monitoring on an individual basis. The
356 program may be provided by one or more private organizations
357 approved by the commissioner which meet qualifications established
358 by the commissioner, provided the entire costs of the program shall be
359 paid from fees charged to the participants, the amounts of which shall
360 be subject to the approval of the commissioner.

361 (c) Upon receipt of notification from the commissioner of the
362 requirement to participate in the program, such person may petition
363 the commissioner in writing for a waiver of such requirement on the
364 following grounds: (1) The petitioner is presently undergoing a
365 substance abuse treatment program for alcohol or drug addiction, or
366 has completed such a program subsequent to the petitioner's most
367 recent arrest, either as a result of an order of the Superior Court or on a
368 voluntary basis, and (2) the petitioner does not, in the opinion of a
369 licensed physician based upon a personal examination, (A) have a
370 current addiction problem that affects the petitioner's ability to operate
371 a motor vehicle in a safe manner, or (B) pose a significant risk of
372 having such an addiction problem in the foreseeable future. In
373 reviewing and determining whether to grant any such petition, the
374 commissioner shall request and give due consideration to the advice of
375 the Motor Vehicle Operator's License Medical Advisory Board. Any
376 person aggrieved by the decision of the commissioner may appeal
377 such decision in accordance with the provisions of chapter 54 of the
378 general statutes.

379 Sec. 8. (NEW) (*Effective from passage*) Any person whose motor
380 vehicle operator's license or nonresident operating privilege was
381 suspended under subsection (g) of section 14-227a of the general
382 statutes, as amended by this act, for a conviction of a violation of
383 subsection (a) of section 14-227a of the general statutes or under
384 section 14-227b of the general statutes for a second or subsequent
385 violation, and any person whose certificate was suspended or revoked
386 pursuant to section 15-132a, 15-133, 15-140l or 15-140n of the general

387 statutes, who was participating in a treatment program under section
 388 14-227f of the general statutes in effect on December 31, 2011, or
 389 eligible to participate in said program on December 31, 2011, may
 390 complete participation in such program or an equivalent program
 391 designated by the Commissioner of Motor Vehicles and seek
 392 reinstatement of the operator's license or nonresident operating
 393 privilege of such person if (1) the person commences participation in
 394 such program not later than December 31, 2012, and (2) the person
 395 submits evidence to the Commissioner of Motor Vehicles that such
 396 person has complied with the requirements of section 14-227f of the
 397 general statutes not 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(g)
Sec. 3	<i>July 1, 2012</i>	14-227a(i)
Sec. 4	<i>July 1, 2012</i>	14-227k
Sec. 5	<i>July 1, 2012</i>	14-215(c)
Sec. 6	<i>July 1, 2012</i>	14-227a(l)
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*