

CCDLA
"Ready in the Defense of Liberty"
Founded in 1988

**Connecticut Criminal Defense Lawyers
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**Testimony of Jon L. Schoenhorn, Former President
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**Re: Raised House Bill No. 5555
*An Act Concerning Diversionary Programs***

**Judiciary Committee Public Hearing
March 29, 2012**

Chairman Coleman, Chairman Fox, and distinguished Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of 300 lawyers dedicated to defending persons accused of criminal offenses, founded in 1988.

CCDLA supports Raised Bill No. 5555: An Act Concerning Diversionary Programs

This Bill will simplify and clarify the circumstances under which individuals accused of certain drug offenses will be able to avail themselves of drug education programs before a conviction, to apply on two separate occasions, and, for good cause shown, apply a third time. Right now there are two competing pretrial drug programs: the community service program and the pretrial drug education program. While a person can apply to the latter twice, and then apply for the community service program, the use of the latter precludes application to the pretrial drug education program. This bill allows consistency in the application of these useful pretrial programs for persons with substance abuse problems. It will also require community service for all participants.

Section 2 separately provides that a community service labor program for substance abusers will be available to those convicted of certain drug offenses, permitting treatment through licensed substance abuse professionals.

Section 3 is also strongly supported by CCDLA. It will add Conn. Gen. Stat. § 53a-71(a) (statutory rape) to the category of offenses for which good cause may be demonstrated in particular cases to allow pretrial accelerated rehabilitation. While the circumstances may be rare, there should be no categorical exclusion of such cases from consideration of pretrial diversion. It may allow treatment of certain offenders without requiring a trial or guilty plea. These cases are more likely to go to trial than most other offenses in the criminal courts.