

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-42—sSB 114**

*Select Committee on Veterans' Affairs  
Judiciary Committee*

**AN ACT CONCERNING SERVICES FOR VETERANS IN PRETRIAL  
DIVERSIONARY PROGRAMS**

**SUMMARY:** This act (1) extends eligibility for the pretrial psychiatric disabilities diversionary program to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability, and (2) allows veterans to participate in accelerated rehabilitation (AR) twice, instead of only once as allowed by law for non-veterans.

The act also allows veterans participating in the pretrial drug education program to be referred to the state or U.S. department of veterans' affairs (DVA), instead of the Department of Mental Health and Addiction Services (DMHAS), for evaluation and subsequent program placement.

Under the act, a "veteran" is an individual:

1. honorably discharged or released under honorable conditions from active service in the U.S. Armed Forces, under state law or
2. eligible to receive certain U.S. DVA services, under federal law (i.e., a person who served in the active military, naval, or air service, and was discharged or released under conditions other than dishonorable, and his or her surviving spouse, child, or parents).

EFFECTIVE DATE: October 1, 2012

**PRETRIAL DIVERSIONARY PROGRAMS**

Under Connecticut's criminal justice system, criminal defendants may avoid prosecution and incarceration by successfully completing court-sanctioned community-based treatment programs (called diversionary programs) before the trial. Participants waive their right to a speedy trial and agree to a tolling of the statute of limitations. A defendant who does not complete or is ineligible for the program is brought to trial.

*Psychiatric Disabilities Diversionary Program*

By law, the Judicial Branch's Court Support Services Division (CSSD) administers a pretrial supervised diversionary program for criminal defendants with psychiatric disabilities who have been charged with relatively minor crimes and motor vehicle offenses. The law defines "psychiatric disability" as a mental or emotional condition, other than just substance abuse, that (1) has substantial adverse effects on the defendant's ability to function and (2) requires care and treatment. The act expands eligibility to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability.

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By law, defendants are ineligible for the program if they (1) have participated twice before or (2) are ineligible for the accelerated rehabilitation program.

Under existing law, CSSD must confirm eligibility and assess the defendant's mental health condition. The act requires CSSD to determine whether appropriate community supervision is available and, if so, include it in the defendant's treatment plan. The law already requires CSSD to do this for available treatment and services.

The act allows, rather than requires, CSSD to collaborate with DMHAS to place the participant in a program providing appropriate community supervision, treatment, and services. It also includes the state or U.S. DVA in this collaborative process, when applicable.

### *Pretrial Drug Education Program*

The pretrial drug education program provides 10- and 15-session drug intervention programs and substance abuse treatment programs to defendants charged with possession of drugs or drug paraphernalia. A defendant is ineligible if he or she previously participated in the program or the community service labor program.

Under existing law, the court must refer approved applicants to (1) CSSD for eligibility confirmation and (2) DMHAS for evaluation. The act allows the court to instead refer veterans to the state or U.S. DVA for evaluation.

If eligibility is confirmed, the act allows CSSD to refer a veteran to the state or U.S. DVA, instead of DMHAS, for subsequent drug education program placement. Veterans receiving substance abuse treatment may do so at a state or U.S. DVA facility if:

1. services will be provided in a timely manner under standards substantially similar to, or higher than, those for services DMHAS provides under the program and
2. the state or U.S. DVA agrees to submit timely program participation and completion reports to CSSD in the manner it requires.

## BACKGROUND

### *Accelerated Rehabilitation*

The court places AR participants under the supervision of the Office of Adult Probation for up to two years. If they successfully complete the program, the court dismisses the charges and erases the record. If they violate a condition of the program, they are brought to trial on the original charges. A person is ineligible

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for AR if he or she is charged with any one of a number of crimes, including:

1. a class A felony;
2. a class B felony other than 1<sup>st</sup> degree larceny when the crime did not involve the use or threatened use of physical force against a person;
3. a class C felony other than when good cause is shown;
4. a drug paraphernalia or possession crime when he or she is eligible for the pretrial drug education program or has had that program invoked on his or her behalf;
5. a family violence crime when he or she is eligible for the pretrial family violence education program or has had that program invoked on his or her behalf before;
6. certain absentee ballot and false statement in absentee ballot crimes; or
7. certain other specified crimes.

### *Armed Forces*

The law defines “armed forces” to mean the U.S. Army, Navy, Marine Corps, Coast Guard, Air Force, their reserve components, and the state’s National Guard under federal service (CGS § 27-103).

OLR Tracking: JRH:JKL:JL:ts