



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

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**Testimony of the Honorable Patrick L. Carroll III  
Judiciary Committee Public Hearing  
March 31, 2014**

**H.B. 5594, An Act Concerning Diversionary Programs**

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, thank you for giving me the opportunity to comment on **H.B. 5594, *An Act Concerning Diversionary Programs***. The Judicial Branch has concerns with some of the provisions of this bill.

Chief among our concerns is the effective date of the bill – all of its provisions are effective upon passage. Many of the changes proposed by the bill – sealing files upon application to programs, changes to diversionary programs – will take time to implement. We would respectfully request that, should this bill be favorably considered, the effective date of all sections be changed to October 1, 2014, to allow for the training, form changes and other preparation that will be necessary to implement its requirements.

Another of our concerns is with section 10 of the bill, which would bar judges from requiring that any defendant who has been determined eligible for representation by a public defender complete a program of community services as a condition of a fee waiver. Judges presiding over these matters are in the best position to assess whether community service is appropriate in a particular case. They should continue to be allowed to exercise their discretion on such matters.

The Judicial Branch also has specific concerns with the language of several sections of the bill. I won't go into those at this time, but we would be happy to discuss them with the Committee in detail should you wish.

Thank you for your consideration.