



GARVIN G. AMBROSE, ESQ.  
*State Victim Advocate*

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate  
Submitted to the Judiciary Committee  
Monday, March 3, 2014

Good day Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised Senate Bill No. 262**, *An Act Concerning Applications for the Pretrial Alcohol Education Program.*

The Office of the Victim Advocate (OVA) introduces and supports today's proposal related to notice requirements for a criminal defendant's application for the State's pretrial alcohol education program (AEP). This proposal advocates that the statute outlining eligibility for and approval of a defendant's participation in the alcohol education program, Connecticut General Statutes § 54-56g, be amended to require the defendant to provide notice of his application to the victim(s), if any, who has sustained serious physical injury as a result of the crime committed by the defendant.

As you know, the pretrial alcohol education program is a diversionary program that may be utilized by defendants charged with driving a motor vehicle or boat while under the influence of alcohol. Currently, C.G.S. § 54-56g requires **good cause be shown** in order for a defendant to be eligible for the AEP program when the defendant's crime caused serious physical injury of another person, as defined in C.G.S. § 53a-3. The statute does not, however, require that the defendant notify the injured victim upon his application to the AEP program. The absence of a notice requirement for this program is inconsistent with the requirements of other pretrial programs, such as the Accelerated Rehabilitation program (C.G.S. § 54-56e), Supervised Diversionary Program (C.G.S. § 54-56l), and Family Violence Education Program (C.G.S. § 46b-38c(g)). Each of these require that the victim(s), if any, be notified and given an opportunity to comment upon the defendant's application for diversion prior to the court approving the defendant's application.

Moreover, the absence of a notice requirement is inconsistent with the rights guaranteed to crime victims of Connecticut. The Connecticut Constitution ensures victims the right to be notified of court proceedings and the right to be treated with fairness and respect. **Raised Senate Bill No. 262** advances these rights for victims who have suffered serious physical

injury by requiring that the defendant notify the victim of his application into the AEP program. This notice thereby provides the victim with the opportunity to support or object to the defendant's application as well as the opportunity to attest to the nature and status of his injuries.

**To clarify the scope of victims affected by this proposal, the OVA respectfully requests that the proposal be amended as follows:**

**On line 33, delete the word "such" and insert after the word "victim" the following language: "who sustained a serious physical injury, as defined in section 53a-3".**

For these reasons, the OVA introduces and supports Raised Senate Bill No. 262, with an amendment, and urges this Committee's approval. I thank you again for your consideration of this proposal and my testimony.

With gratitude,

A handwritten signature in black ink, appearing to read "Garvin G. Ambrose", with a long horizontal flourish extending to the right.

Garvin G. Ambrose, Esq.  
State Victim Advocate