



Substitute Senate Bill No. 262

Public Act No. 14-110

AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (a) of section 54-56g of the 2014 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014*):

(a) (1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133, 15-140l or 15-140n. Upon application by any such person for participation in such program and payment to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: [(1)] (A) If such person is charged with a violation of section 14-227a, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, [(2)] (B) if such person is charged with a violation of section 14-227g, such person has never had such program invoked in such person's behalf for a violation of section 14-227a or 14-227g, [(3)] (C) such person has

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not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, or a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, [and (4)] (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b or 53a-60d or subdivision (1) or (2) of subsection (a) of section 14-227a, and (E) notice has been given by such person, by registered or certified mail on a form approved by rule of court, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application.

(2) The court shall provide each such victim who sustained a serious physical injury an opportunity to be heard prior to granting an application under this section. Unless good cause is shown, a person shall be ineligible for participation in such pretrial alcohol education program if such person's alleged violation of section 14-227a or 14-227g caused the serious physical injury, as defined in section 53a-3, of another person.

(3) The application fee imposed [by] under this subsection shall be credited to the Criminal Injuries Compensation Fund established [by] under section 54-215. The evaluation fee imposed [by] under this subsection shall be credited to the pretrial account established under section 54-56k.

Approved June 6, 2014