
OLR Bill Analysis

sSB 262

AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM.

SUMMARY:

This bill requires the court, before allowing a defendant to participate in the pretrial alcohol education program, to hear from a victim who suffered serious physical injury as a result of the defendant's conduct. It requires the person applying for participation to (1) notify the victim of this opportunity by registered or certified mail on a form approved by court rules and (2) state that he or she has done so under oath and under penalty of perjury.

By law, people charged with certain driving and boating under the influence crimes who meet other eligibility requirements (see BACKGROUND) can participate in the pretrial alcohol education program. The court has discretion to grant participation but must consider the prosecutor's recommendation and must find good cause before allowing someone charged with driving under the influence who caused another person serious physical injury to participate.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Pretrial Alcohol Education Program

A person is eligible for this program if he or she is charged with driving under the influence (DUI), 2nd degree manslaughter with a vessel (which involves boating under the influence), violating rules for safe boating (which includes operating under the influence), or 1st or 2nd degree reckless vessel operation while under the influence. But someone charged with one of these crimes is ineligible if he or she:

1. used the program (a) in the past 10 years for a DUI violation and

is currently charged with DUI or (b) anytime for a DUI violation and is currently charged with DUI while under age 21;

2. has a prior conviction of DUI, 2nd degree manslaughter with a motor vehicle (which involves driving under the influence), 2nd degree assault with a motor vehicle (which involves driving under the influence), or a similar crime in another state;
3. is charged with DUI while operating a commercial vehicle; or
4. is charged with DUI and holds a commercial driver's license or instruction permit.

The court must seal the case file when an offender applies for the program. If accepted, the applicant is placed in an appropriate alcohol intervention or state-licensed substance abuse treatment program after an evaluation. If the person satisfactorily completes the program, the court dismisses the charges.

Serious Physical Injury

By law, serious physical injury is a physical injury that creates a substantial risk of death or causes serious disfigurement, serious health impairment, or serious loss or impairment of an organ's function.

Related Bill

sHB 5594, favorably reported by the Judiciary Committee, makes a number of changes to diversionary programs including (1) lifting the prohibition on participating in the pretrial alcohol education program when a person is charged with DUI and has a commercial drivers' license or instruction permit and (2) requiring the court to waive all application and program fees for an indigent program applicant who is eligible for a public defender.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 38 Nay 0 (03/28/2014)