



House of Representatives

File No. 684

General Assembly

February Session, 2014

(Reprint of File No. 623)

House Bill No. 5293
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 25, 2014

AN ACT CONCERNING STOLEN VALOR, VETERANS' SERVICE OFFICERS AND TECHNICAL CORRECTIONS TO THE DEFINITION OF VETERAN.

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

1 Section 1. Subsection (b) of section 53-378 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (b) Any person who, with the intent to obtain money, property or
5 other tangible benefit, falsely represents himself or herself, orally or in
6 writing, to have been awarded any decoration or medal authorized by
7 the United States Congress for the armed forces, as defined in section
8 27-103, or any of the service medals or badges awarded to the
9 members of such armed forces, or the ribbon, button or rosette of any
10 such decoration, medal or badge, or any colorable imitation thereof,
11 shall be fined not less than five hundred dollars or more than one
12 thousand dollars or imprisoned not more than six months, or both.

13 Sec. 2. Section 27-135 of the 2014 supplement to the general statutes
14 is repealed and the following is substituted in lieu thereof (*Effective*
15 *from passage*):

16 (a) Any city or town, either separately or with one or more other
17 cities and towns, may, by ordinance, establish a local veterans'
18 advisory committee which shall have the responsibility of carrying out
19 locally the duties and purposes of this section and, within their charter
20 powers and as otherwise provided by law, may make available to such
21 local committees the necessary funds to carry out their duties and
22 responsibilities. The committee may (1) act as the coordinating agency
23 in all matters concerning veterans and their dependents, coordinating
24 the activities of public and private facilities concerned with veterans'
25 reemployment, education, rehabilitation and adjustment to peacetime
26 living; (2) cooperate with all national, state and local governmental and
27 private agencies in securing services and benefits to which a veteran or
28 his dependents may be entitled; (3) use the services and facilities of the
29 veterans organizations so far as possible to carry out the purposes of
30 this section; and (4) encourage and coordinate vocational training
31 services for veterans.

32 (b) Any city or town that (1) has not established [a] its own local
33 veterans' advisory committee separate from one or more other cities or
34 towns pursuant to subsection (a) of this section, and (2) does not
35 otherwise provide funding for a veterans' service officer shall
36 designate a city or town employee to serve as a veterans' service
37 contact person in such city or town. Any city or town employee
38 designated as a veterans' service contact person shall carry out the
39 duties described in subsection (a) of this section and may complete an
40 annual training course conducted by the veterans' advocacy and
41 assistance unit, as described in subsection (b) of section 27-102l.

42 Sec. 3. Subsection (b) of section 54-56e of the 2014 supplement to the
43 general statutes is repealed and the following is substituted in lieu
44 thereof (*Effective from passage*):

45 (b) The court may, in its discretion, invoke such program on motion
46 of the defendant or on motion of a state's attorney or prosecuting
47 attorney with respect to a defendant (1) who, the court believes, will
48 probably not offend in the future, (2) who has no previous record of

49 conviction of a crime or of a violation of section 14-196, subsection (c)
50 of section 14-215, section 14-222a, subsection (a) of section 14-224 or
51 section 14-227a, and (3) who states under oath, in open court or before
52 any person designated by the clerk and duly authorized to administer
53 oaths, under the penalties of perjury, that the defendant has never had
54 such program invoked in the defendant's behalf or, with respect to a
55 defendant who is a veteran, that the defendant has not had such
56 program invoked in the defendant's behalf more than once previously,
57 provided the defendant shall agree thereto and provided notice has
58 been given by the defendant, on a form approved by rule of court, to
59 the victim or victims of such crime or motor vehicle violation, if any,
60 by registered or certified mail and such victim or victims have an
61 opportunity to be heard thereon. Any defendant who makes
62 application for participation in such program shall pay to the court an
63 application fee of thirty-five dollars. For the purposes of this section,
64 "veteran" means [a person who is (A) a veteran, as defined in
65 subsection (a) of section 27-103, or (B) eligible to receive services from
66 the United States Department of Veterans Affairs pursuant to Title 38
67 of the United States Code] any person who was discharged or released
68 under conditions other than dishonorable from active service in the
69 armed forces as defined in section 27-103.

70 Sec. 4. Subsection (c) of section 54-56i of the 2014 supplement to the
71 general statutes is repealed and the following is substituted in lieu
72 thereof (*Effective from passage*):

73 (c) The court, after consideration of the recommendation of the
74 state's attorney, assistant state's attorney or deputy assistant state's
75 attorney in charge of the case, may, in its discretion, grant such
76 application. If the court grants such application, the court shall refer
77 such person (1) to the Court Support Services Division for
78 confirmation of the eligibility of the applicant, (2) to the Department of
79 Mental Health and Addiction Services for evaluation and
80 determination of an appropriate drug education or substance abuse
81 treatment program for the first or second time such application is
82 granted, and (3) to a state-licensed substance abuse treatment program

83 for evaluation and determination of an appropriate substance abuse
84 treatment program for the third time such application is granted,
85 except that, if such person is a veteran, the court may refer such person
86 to the Department of Veterans' Affairs or the United States Department
87 of Veterans Affairs, as applicable, for any such evaluation. For the
88 purposes of this subsection and subsection (d) of this section, "veteran"
89 means [a person who is (A) a veteran, as defined in subsection (a) of
90 section 27-103, or (B) eligible to receive services from the United States
91 Department of Veterans Affairs pursuant to Title 38 of the United
92 States Code] any person who was discharged or released under
93 conditions other than dishonorable from active service in the armed
94 forces as defined in section 27-103.

95 Sec. 5. Subsection (a) of section 54-56l of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective from*
97 *passage*):

98 (a) There shall be a supervised diversionary program for persons
99 with psychiatric disabilities, or persons who are veterans, who are
100 accused of a crime or crimes or a motor vehicle violation or violations
101 for which a sentence to a term of imprisonment may be imposed,
102 which crimes or violations are not of a serious nature. For the purposes
103 of this section, (1) "psychiatric disability" means a mental or emotional
104 condition, other than solely substance abuse, that (A) has substantial
105 adverse effects on the defendant's ability to function, and (B) requires
106 care and treatment, and (2) "veteran" means a person who is found,
107 pursuant to subsection (d) of this section, to have a mental health
108 condition that is amenable to treatment, and [is (A) a veteran, as
109 defined in subsection (a) of section 27-103, or (B) eligible to receive
110 services from the United States Department of Veterans Affairs
111 pursuant to Title 38 of the United States Code] who was discharged or
112 released under conditions other than dishonorable from active service
113 in the armed forces as defined in section 27-103.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	53-378(b)
Sec. 2	<i>from passage</i>	27-135
Sec. 3	<i>from passage</i>	54-56e(b)
Sec. 4	<i>from passage</i>	54-56i(c)
Sec. 5	<i>from passage</i>	54-56l(a)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Mental Health & Addiction Serv., Dept.	SF - See Below	See Below	See Below

Municipal Impact: None

Explanation

The bill limits the law that prohibits individuals from falsely representing that they were a recipient of a medal of honor. This is not anticipated to result in a fiscal impact as there has been no fine revenue or convictions in the past five years.

The bill also requires cities and towns who do not have a local veterans' advisory committee to designate an employee to serve as a veterans' service contact person for the city or town and does not result in a fiscal impact.

In addition, the bill redefines veteran under certain circumstances and could result in a savings associated with limiting the number of individuals who are eligible to participate in the pretrial accelerated rehabilitation program, drug education program and the pretrial supervised diversionary program for persons with psychiatric disabilities and veterans. The Department of Mental Health and Addiction Services (DMHAS) pays providers out of the Pretrial account for all indigent participants.

The bill may also result in a revenue loss associated with fewer fees paid by such individuals.

House "A" eliminates the original bill and the associated fiscal impact. It results in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5293 (as amended by House "A")******AN ACT CONCERNING STOLEN VALOR.*****SUMMARY:**

This bill limits the crime of falsely representing oneself as having a military medal to a person who does so with the intent to fraudulently obtain money, property, or other tangible benefits. Under current law, a person commits this crime if he or she falsely represents himself or herself, orally or in writing, as a recipient of any Congressional decoration or medal, armed forces service medal or badge, or the ribbon, button, rosette, or "colorable imitation" of any such decoration, medal, or badge. The bill retains the current penalty of a fine between \$500 and \$1,000, up to six months imprisonment, or both.

Under current law, pretrial diversionary programs are available to criminal defendants who have committed certain crimes, but the criteria and the service providers vary depending on whether the defendant is a veteran. The bill limits these veteran-specific aspects of the accelerated pretrial rehabilitation, pretrial drug education, and psychiatric disabilities diversionary programs only to veterans who were discharged or released under conditions other than dishonorable from the U.S. armed forces. It treats family members of such veterans, including the surviving spouse, child, or parents, who, under current law, also qualify for the veterans' provisions, the same as nonveterans.

Under current law, a municipality must designate a municipal employee as a veterans' service contact if it does not have a veterans' advisory committee and does not have a full-time veterans' service contact person. The bill explicitly requires any municipality that shares an advisory committee with other municipalities to designate an employee to serve as the contact person.

*House Amendment "A" (1) removes a provision limiting the crime of falsely wearing a military uniform to those who do so with the intent to fraudulently obtain money and other tangible benefits and (2) adds the provisions concerning veterans' pretrial diversionary programs and the veterans' service contact person.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

U.S. v. Alvarez

In *U.S. v. Alvarez*, the U.S. Supreme Court ruled that the federal military medal misrepresentation statute was unconstitutional because it violated a person's First Amendment right to free speech (132 S. Ct. 2537 (2012)). The plurality opinion stated there is no general First Amendment exception for false statements, but acknowledged there are many laws punishing or criminalizing false statements that cause definite and identifiable harm (e.g., fraud).

Veterans' 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.

Accelerated Rehabilitation. The court places 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 for the program if he or she is charged with certain crimes. A veteran is may participate twice, instead of only once as allowed by law for nonveterans.

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 veteran may be sent to a state or federal Veterans' Affairs Department facility for evaluation and treatment.

Psychiatric Disabilities Diversionary Program. The Judicial Branch's Court Support Services Division 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 grants eligibility to veterans with mental health conditions amenable to treatment, even if they do not have a psychiatric disability.

Veterans' Service Contact Person's Duties

By law, the contact person must perform the same duties that the law requires veterans' advisory committees to perform, including:

1. coordinating all matters concerning veterans and their dependents;
2. coordinating public and private facilities concerned with veterans' reemployment, education, rehabilitation, and adjustment to peacetime living;
3. cooperating with all national, state, and local government and private agencies in securing services and benefits to which a veteran or his or her dependents may be entitled;
4. encouraging and coordinating veterans' vocational training services; and
5. working with veterans organizations as much as possible to carry out these activities.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Change of Reference

Yea 14 Nay 0 (03/11/2014)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)