



General Assembly

**Amendment**

February Session, 2014

LCO No. 3978

**\*SB0025903978SR0\***

Offered by:  
SEN. MCKINNEY, 28<sup>th</sup> Dist.

To: Senate Bill No. 259

File No. 609

Cal. No. 401

**"AN ACT CONCERNING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION REGARDING THE ENHANCED PENALTY FOR THE SALE OR POSSESSION OF DRUGS NEAR SCHOOLS, DAY CARE CENTERS AND PUBLIC HOUSING PROJECTS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 53a-39c of the 2014 supplement to  
4 the general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective October 1, 2014*):

6 (a) There is established, within available appropriations, a  
7 community service labor program for persons convicted of a first  
8 violation of section 21a-267, as amended by this act, or 21a-279, as  
9 amended by this act, except a first violation of subsection (c) of section  
10 21a-267, as amended by this act, or subsection (d) of section 21a-279, as  
11 amended by this act, who have not previously been convicted of a  
12 violation of section 21a-277 or 21a-278. Upon application by any such

13 person for participation in such program the court may grant such  
14 application and, upon a plea of guilty without trial where a term of  
15 imprisonment is part of a stated plea agreement, suspend any sentence  
16 of imprisonment and make participation in such program a condition  
17 of probation or conditional discharge in accordance with section 53a-  
18 30. No person may be placed in such program who has previously  
19 been placed in such program.

20 Sec. 502. Subsection (c) of section 54-56e of the 2014 supplement to  
21 the general statutes is repealed and the following is substituted in lieu  
22 thereof (*Effective October 1, 2014*):

23 (c) This section shall not be applicable: (1) To any person charged  
24 with a class A felony, a class B felony, except a violation of section 53a-  
25 122 that does not involve the use, attempted use or threatened use of  
26 physical force against another person, or a violation of section 14-227a,  
27 subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-  
28 60d, 53a-70, 53a-70a, 53a-70b, 53a-71, except as provided in subdivision  
29 (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f,  
30 (2) to any person charged with a crime or motor vehicle violation who,  
31 as a result of the commission of such crime or motor vehicle violation,  
32 causes the death of another person, (3) to any person accused of a  
33 family violence crime as defined in section 46b-38a who (A) is eligible  
34 for the pretrial family violence education program established under  
35 section 46b-38c, or (B) has previously had the pretrial family violence  
36 education program invoked in such person's behalf, (4) to any person  
37 charged with a violation of section 21a-267, as amended by this act, or  
38 21a-279, as amended by this act, who (A) is eligible for the pretrial  
39 drug education and community service program established under  
40 section 54-56i, as amended by this act, [or] (B) has previously had the  
41 pretrial drug education program or the pretrial drug education and  
42 community service program invoked on such person's behalf, or (C) is  
43 charged with a violation of subsection (c) of section 21a-267, as  
44 amended by this act, or subsection (d) of section 21a-279, as amended  
45 by this act, (5) to any person charged with a violation of subsection (b)  
46 of section 21a-278a, as amended by this act, [(5)] (6) unless good cause

47 is shown, to (A) any person charged with a class C felony, or (B) any  
48 person charged with committing a violation of subdivision (1) of  
49 subsection (a) of section 53a-71 while such person was less than four  
50 years older than the other person, ~~[(6)]~~ (7) to any person charged with  
51 a violation of section 9-359 or 9-359a, or ~~[(7)]~~ (8) to any person charged  
52 with a motor vehicle violation (A) while operating a commercial motor  
53 vehicle, as defined in section 14-1, or (B) who holds a commercial  
54 driver's license or commercial driver's instruction permit at the time of  
55 the violation.

56 Sec. 503. Subsection (a) of section 54-56i of the 2014 supplement to  
57 the general statutes is repealed and the following is substituted in lieu  
58 thereof (*Effective October 1, 2014*):

59 (a) There is established a pretrial drug education and community  
60 service program for persons charged with a violation of section  
61 21a-267, as amended by this act, 21a-279, as amended by this act, or  
62 21a-279a, except a violation of subsection (c) of section 21a-267, as  
63 amended by this act, or subsection (d) of section 21a-279, as amended  
64 by this act. The drug education and community service program shall  
65 include a fifteen-week drug education program, a fifteen-session drug  
66 intervention program and a substance abuse treatment program of not  
67 less than fifteen sessions, and the performance of community service.

68 Sec. 504. Subsections (a) and (b) of section 17a-696 of the general  
69 statutes are repealed and the following is substituted in lieu thereof  
70 (*Effective October 1, 2014*):

71 (a) The provisions of this section shall not apply to any person  
72 charged with a violation of section 14-227a or 53a-60d, subsection (c) of  
73 section 21a-267, as amended by this act, subsection (b) of section 21a-  
74 278a, as amended by this act, or subsection (d) of section 21a-279, as  
75 amended by this act, or with a class A, B or C felony or to any person  
76 who was twice previously ordered treated under this section,  
77 subsection (i) of section 17-155y, section 19a-386 or section 21a-284 of  
78 the general statutes revised to 1989, or any combination thereof. The

79 court may waive the ineligibility provisions of this subsection for any  
 80 person.

81 (b) The court may order suspension of prosecution and order  
 82 treatment for alcohol or drug dependency as provided in this section  
 83 and sections 17a-697 and 17a-698 if [it] the court, after considering  
 84 information before it concerning the alcohol or drug dependency of the  
 85 accused person, including the examination report made pursuant to  
 86 the provisions of section 17a-694, finds that (1) the accused person was  
 87 an alcohol-dependent or drug-dependent person at the time of the  
 88 crime, (2) the accused person presently needs and is likely to benefit  
 89 from treatment for the dependency, and (3) suspension of prosecution  
 90 will advance the interests of justice. Treatment may begin no earlier  
 91 than the date the clinical examiner reports under the provisions of  
 92 section 17a-694 that space is available in a treatment program."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2014</i>	53a-39c(a)
Sec. 502	<i>October 1, 2014</i>	54-56e(c)
Sec. 503	<i>October 1, 2014</i>	54-56i(a)
Sec. 504	<i>October 1, 2014</i>	17a-696(a) and (b)