



General Assembly

February Session, 2014

Amendment

LCO No. 4025

SB0025904025SR0

Offered by:
SEN. MCKINNEY, 28th 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4 the general statutes is repealed and the following is substituted in lieu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 under said section 21a-267
10 or 21a-279 committed within one thousand five hundred feet of the
11 real property comprising a public or private elementary or secondary
12 school, who have not previously been convicted of a violation of

13 section 21a-277 or 21a-278. Upon application by any such person for
14 participation in such program the court may grant such application
15 and, upon a plea of guilty without trial where a term of imprisonment
16 is part of a stated plea agreement, suspend any sentence of
17 imprisonment and make participation in such program a condition of
18 probation or conditional discharge in accordance with section 53a-30.
19 No person may be placed in such program who has previously been
20 placed in such program.

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22 the general statutes is repealed and the following is substituted in lieu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

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

46 thousand five hundred feet of the real property comprising a public or
47 private elementary or secondary school, (5) to any person charged with
48 a violation of section 21a-278a, as amended by this act, committed
49 within one thousand five hundred feet of the real property comprising
50 a public or private elementary or secondary school, (6) unless good
51 cause is shown, to (A) any person charged with a class C felony, or (B)
52 any person charged with committing a violation of subdivision (1) of
53 subsection (a) of section 53a-71 while such person was less than four
54 years older than the other person, [(6)] (7) to any person charged with
55 a violation of section 9-359 or 9-359a, or [(7)] (8) to any person charged
56 with a motor vehicle violation (A) while operating a commercial motor
57 vehicle, as defined in section 14-1, or (B) who holds a commercial
58 driver's license or commercial driver's instruction permit at the time of
59 the violation.

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

63 (a) There is established a pretrial drug education and community
64 service program for persons charged with a violation of section
65 21a-267, as amended by this act, 21a-279, as amended by this act, or
66 21a-279a, except a violation of said section 21a-267 or 21a-279
67 committed within one thousand five hundred feet of the real property
68 comprising a public or private elementary or secondary school. The
69 drug education and community service program shall include a
70 fifteen-week drug education program, a fifteen-session drug
71 intervention program and a substance abuse treatment program of not
72 less than fifteen sessions, and the performance of community service.

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

76 (a) The provisions of this section shall not apply to any person
77 charged with a violation of section 21a-267, as amended by this act,

78 21a-278a, as amended by this act, or 21a-279, as amended by this act,
 79 committed within one thousand five hundred feet of the real property
 80 comprising a public or private elementary or secondary school, section
 81 14-227a or 53a-60d or with a class A, B or C felony or to any person
 82 who was twice previously ordered treated under this section,
 83 subsection (i) of section 17-155y, section 19a-386 or section 21a-284 of
 84 the general statutes revised to 1989, or any combination thereof. The
 85 court may waive the ineligibility provisions of this subsection for any
 86 person.

87 (b) The court may order suspension of prosecution and order
 88 treatment for alcohol or drug dependency as provided in this section
 89 and sections 17a-697 and 17a-698 if [it] the court, after considering
 90 information before it concerning the alcohol or drug dependency of the
 91 accused person, including the examination report made pursuant to
 92 the provisions of section 17a-694, finds that (1) the accused person was
 93 an alcohol-dependent or drug-dependent person at the time of the
 94 crime, (2) the accused person presently needs and is likely to benefit
 95 from treatment for the dependency, and (3) suspension of prosecution
 96 will advance the interests of justice. Treatment may begin no earlier
 97 than the date the clinical examiner reports under the provisions of
 98 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	October 1, 2014	53a-39c(a)
Sec. 502	October 1, 2014	54-56e(c)
Sec. 503	October 1, 2014	54-56i(a)
Sec. 504	October 1, 2014	17a-696(a) and (b)