

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



PA 14-110—sSB 262  
*Judiciary Committee*

**AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL  
ALCOHOL EDUCATION PROGRAM**

**SUMMARY:** This act 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 defendant 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.

EFFECTIVE DATE: October 1, 2014

**BACKGROUND**

*Pretrial Alcohol Education Program*

By law, a defendant is generally eligible for this program if he or she is charged with driving under the influence, 2<sup>nd</sup> degree manslaughter with a vessel, violating rules for safe boating, or 1<sup>st</sup> or 2<sup>nd</sup> degree reckless vessel operation while under the influence. But a defendant cannot participate if he or she (1) does not meet certain criteria regarding prior program use and prior convictions or (2) has charges related to a commercial driver's license or instruction permit.

The court must seal the case file when a defendant applies for the program. The court may allow someone who meets the eligibility criteria to participate but must (1) consider the prosecutor's recommendation and (2) find good cause for participation if a defendant is charged with driving under the influence and caused another person serious physical injury. If accepted, the defendant is placed in an appropriate alcohol intervention or state-licensed substance abuse treatment program after an evaluation. If the defendant satisfactorily completes the program, the court dismisses the charges.

OLR Tracking: CR:DC:PF:ro