



General Assembly

**Amendment**

January Session, 2015

LCO No. 7458



Offered by:  
REP. ALEXANDER, 58<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1015      File No. 141      Cal. No. 569

(As Amended)

**"AN ACT CONCERNING PROGRAMS FOR VETERANS IN THE  
CRIMINAL JUSTICE SYSTEM."**

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

3      "Sec. 501. Subsection (a) of section 54-56l of the general statutes is  
4      repealed and the following is substituted in lieu thereof (*Effective from*  
5      *passage*):

6      (a) There shall be a supervised diversionary program for persons  
7      with psychiatric disabilities, or persons who are veterans, who are  
8      accused of a crime or crimes or a motor vehicle violation or violations  
9      for which a sentence to a term of imprisonment may be imposed,  
10     which crimes or violations are not of a serious nature. For the purposes  
11     of this section, (1) "psychiatric disability" means a mental or emotional  
12     condition, other than solely substance abuse, that (A) has substantial  
13     adverse effects on the defendant's ability to function, and (B) requires

14 care and treatment, and (2) "veteran" means a person who is found,  
15 pursuant to subsection (d) of this section, to have a mental health  
16 condition that is amenable to treatment, and who was discharged or  
17 released [under conditions other than dishonorable] from active  
18 service in the armed forces as defined in section 27-103 with a  
19 discharge status other than dishonorable or, unless good cause is  
20 shown, bad conduct, except that "veteran" shall include a person  
21 receiving a dishonorable or bad conduct discharge based solely on a  
22 person's sexual orientation.

23 Sec. 502. Subsection (b) of section 54-56e of the general statutes is  
24 repealed and the following is substituted in lieu thereof (*Effective from*  
25 *passage*):

26 (b) The court may, in its discretion, invoke such program on motion  
27 of the defendant or on motion of a state's attorney or prosecuting  
28 attorney with respect to a defendant (1) who, the court believes, will  
29 probably not offend in the future, (2) who has no previous record of  
30 conviction of a crime or of a violation of section 14-196, subsection (c)  
31 of section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
32 subsection (b) of section 14-224 or section 14-227a, and (3) who states  
33 under oath, in open court or before any person designated by the clerk  
34 and duly authorized to administer oaths, under the penalties of  
35 perjury, (A) that the defendant has never had such program invoked  
36 on the defendant's behalf or that the defendant was charged with a  
37 misdemeanor or a motor vehicle violation for which a term of  
38 imprisonment of one year or less may be imposed and ten or more  
39 years have passed since the date that any charge or charges for which  
40 the program was invoked on the defendant's behalf were dismissed by  
41 the court, or (B) with respect to a defendant who is a veteran, that the  
42 defendant has not had such program invoked in the defendant's behalf  
43 more than once previously, provided the defendant shall agree thereto  
44 and provided notice has been given by the defendant, on a form  
45 approved by rule of court, to the victim or victims of such crime or  
46 motor vehicle violation, if any, by registered or certified mail and such

47 victim or victims have an opportunity to be heard thereon. Any  
48 defendant who makes application for participation in such program  
49 shall pay to the court an application fee of thirty-five dollars. No  
50 defendant shall be allowed to participate in the pretrial program for  
51 accelerated rehabilitation more than two times. For the purposes of  
52 this section, "veteran" means any person who was discharged or  
53 released [under conditions other than dishonorable] from active  
54 service in the armed forces as defined in section 27-103 with a  
55 discharge status other than dishonorable or, unless good cause is  
56 shown, bad conduct, except that "veteran" shall include a person  
57 receiving a dishonorable or bad conduct discharge based solely on  
58 such person's sexual orientation.

59 Sec. 503. Subsection (c) of section 54-56i of the general statutes is  
60 repealed and the following is substituted in lieu thereof (*Effective from*  
61 *passage*):

62 (c) The court, after consideration of the recommendation of the  
63 state's attorney, assistant state's attorney or deputy assistant state's  
64 attorney in charge of the case, may, in its discretion, grant such  
65 application. If the court grants such application, the court shall refer  
66 such person (1) to the Court Support Services Division for  
67 confirmation of the eligibility of the applicant, (2) to the Department of  
68 Mental Health and Addiction Services for evaluation and  
69 determination of an appropriate drug education or substance abuse  
70 treatment program for the first or second time such application is  
71 granted, and (3) to a state-licensed substance abuse treatment program  
72 for evaluation and determination of an appropriate substance abuse  
73 treatment program for the third time such application is granted,  
74 except that, if such person is a veteran, the court may refer such person  
75 to the Department of Veterans' Affairs or the United States Department  
76 of Veterans Affairs, as applicable, for any such evaluation and  
77 determination. For the purposes of this subsection and subsection (d)  
78 of this section, "veteran" means any person who was discharged or  
79 released [under conditions other than dishonorable] from active

80 service in the armed forces as defined in section 27-103 with a  
 81 discharge status other than dishonorable or, unless good cause is  
 82 shown, bad conduct, except that "veteran" shall include a person  
 83 receiving a dishonorable or bad conduct discharge based solely on  
 84 such person's sexual orientation."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	54-561(a)
Sec. 502	<i>from passage</i>	54-56e(b)
Sec. 503	<i>from passage</i>	54-56i(c)