



General Assembly

**Amendment**

January Session, 2015

LCO No. 9072



Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1105

File No. 924

Cal. No. 432

**"AN ACT CONCERNING REVISIONS TO THE CRIMINAL JUSTICE STATUTES, AND CONCERNING THE PSYCHIATRIC SECURITY REVIEW BOARD, DOMESTIC VIOLENCE, CONDOMINIUM ASSOCIATIONS, DEPOSITIONS OF PERSONS LIVING OUT-OF-STATE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 21a-279 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2015*):

5 (a) Any person who possesses or has under his or her control any  
6 quantity of any narcotic substance, controlled substance or  
7 hallucinogenic substance other than marijuana or who possesses or has  
8 under his or her control one-half ounce or more of a cannabis-type  
9 substance, except as authorized in this chapter, [for a first offense, may  
10 be imprisoned not more than seven years or be fined not more than  
11 fifty thousand dollars, or be both fined and imprisoned; and for a  
12 second offense, may be imprisoned not more than fifteen years or be

13 fined not more than one hundred thousand dollars, or be both fined  
14 and imprisoned; and for any subsequent offense, may be imprisoned  
15 not more than twenty-five years or be fined not more than two  
16 hundred fifty thousand dollars, or be both fined and imprisoned] shall  
17 be guilty of a class A misdemeanor, except as provided in subsections  
18 (b), (c) and (d) of this section.

19 [(b) Any person who possesses or has under his control any  
20 quantity of a hallucinogenic substance other than marijuana or four  
21 ounces or more of a cannabis-type substance, except as authorized in  
22 this chapter, for a first offense, shall be guilty of a class D felony, and  
23 for a subsequent offense shall be guilty of a class C felony.

24 (c) Any person who possesses or has under his control any quantity  
25 of any controlled substance other than a narcotic substance, or a  
26 hallucinogenic substance other than marijuana or who possesses or has  
27 under his control one-half ounce or more but less than four ounces of a  
28 cannabis-type substance, except as authorized in this chapter, (1) for a  
29 first offense, may be fined not more than one thousand dollars or be  
30 imprisoned not more than one year, or be both fined and imprisoned;  
31 and (2) for a subsequent offense, shall be guilty of a class D felony.]

32 (b) (1) Any person charged with a first violation of subsection (a) of  
33 this section shall be referred for participation in the program pursuant  
34 to section 54-56i, as amended by this act. (2) Any person found guilty  
35 of a single subsequent violation of subsection (a) of this section shall be  
36 guilty of a class A misdemeanor and shall undergo a drug treatment  
37 program. (3) Any person charged with an additional or subsequent  
38 offense, may be prosecuted for a class A misdemeanor, or for cause  
39 shown on the record, such person may be prosecuted for an  
40 unclassified felony, and if guilty, such person shall be imprisoned for a  
41 term of two years, which shall not be suspended and shall be in  
42 addition and consecutive to any other term imposed pursuant to this  
43 subsection.

44 [(d)] (c) Any person who violates subsection (a) [, (b) or (c)] of this

45 section in or on, or within one thousand five hundred feet of, the real  
46 property comprising a public or private elementary or secondary  
47 school and who is not enrolled as a student in such school or a licensed  
48 child day care center, as defined in section 19a-77, that is identified as a  
49 child day care center by a sign posted in a conspicuous place, [shall be  
50 imprisoned for a term of two years, which shall not be suspended and  
51 shall be in addition and consecutive to any term of imprisonment  
52 imposed for violation of subsection (a), (b) or (c) of this section.] (1) in  
53 the case of a first violation of this subsection, shall be referred for  
54 participation in the program pursuant to section 54-56i, as amended by  
55 this act. (2) Any person found guilty of a single subsequent violation of  
56 this subsection shall be guilty of a class A misdemeanor and shall  
57 undergo a drug treatment program. (3) Any person charged with an  
58 additional or subsequent offense, may be prosecuted for a class A  
59 misdemeanor, or for cause shown on the record, such person may be  
60 prosecuted for an unclassified felony, and if guilty, such person shall  
61 be imprisoned for a term of two years, which shall not be suspended  
62 and shall be in addition and consecutive to any other term imposed  
63 pursuant to this subsection or subsection (b) of this section.

64 (d) Any person who violates subsection (a) of this section in or on  
65 the real property comprising a public or private elementary or  
66 secondary school and who is not enrolled as a student in such school  
67 or a licensed child day care center, as defined in section 19a-77, that is  
68 identified as a child day care center by a sign posted in a conspicuous  
69 place may be prosecuted for a class A misdemeanor, or for cause  
70 shown on the record, such person may be prosecuted for an  
71 unclassified felony, and if guilty, such person shall be imprisoned for a  
72 term of two years, which shall not be suspended and shall be in  
73 addition and consecutive to any other term imposed pursuant to this  
74 subsection or subsection (b) or (c) of this section.

75 [(e) As an alternative to the sentences specified in subsections (a)  
76 and (b) and specified for a subsequent offense under subsection (c) of  
77 this section, the court may sentence the person to the custody of the

78 Commissioner of Correction for an indeterminate term not to exceed  
79 three years or the maximum term specified for the offense, whichever  
80 is the lesser, and at any time within such indeterminate term and  
81 without regard to any other provision of law regarding minimum term  
82 of confinement, the Commissioner of Correction may release the  
83 convicted person so sentenced subject to such conditions as he may  
84 impose including, but not limited to, supervision by suitable authority.  
85 At any time during such indeterminate term, the Commissioner of  
86 Correction may revoke any such conditional release in his discretion  
87 for violation of the conditions imposed and return the convicted  
88 person to a correctional institution.]

89 [(f)] (e) To the extent that it is possible, medical treatment rather  
90 than criminal sanctions shall be afforded individuals who breathe,  
91 inhale, sniff or drink the volatile substances [defined] described in  
92 subdivision (49) of section 21a-240.

93 [(g)] (f) The provisions of [subsections (a) to (c), inclusive,]  
94 subsection (a) of this section shall not apply to any person (1) who in  
95 good faith, seeks medical assistance for another person who such  
96 person reasonably believes is experiencing an overdose from the  
97 ingestion, inhalation or injection of intoxicating liquor or any drug or  
98 substance, (2) for whom another person, in good faith, seeks medical  
99 assistance, reasonably believing such person is experiencing an  
100 overdose from the ingestion, inhalation or injection of intoxicating  
101 liquor or any drug or substance, or (3) who reasonably believes he or  
102 she is experiencing an overdose from the ingestion, inhalation or  
103 injection of intoxicating liquor or any drug or substance and, in good  
104 faith, seeks medical assistance for himself or herself, if evidence of the  
105 possession or control of a controlled substance in violation of  
106 subsection (a) [, (b) or (c)] of this section was obtained as a result of the  
107 seeking of such medical assistance. For the purposes of this subsection,  
108 "good faith" does not include seeking medical assistance during the  
109 course of the execution of an arrest warrant or search warrant or a  
110 lawful search.

111 (g) Any person who is not a drug-dependent person who possesses  
112 one or more preparations, compounds, mixtures or substances  
113 containing an aggregate weight of one ounce or more of heroin or  
114 methadone or an aggregate weight of one-half ounce or more of  
115 cocaine or one-half ounce or more of cocaine in a free-base form, or a  
116 substance containing five milligrams or more of lysergic acid  
117 diethylamide, or one kilogram or more of a cannabis-type substance,  
118 except as authorized in this chapter, shall be charged under the  
119 provisions of section 21a-278 or 21a-278a, in addition to any charge  
120 under this section.

121 Sec. 2. Subsection (c) of section 7-294d of the general statutes is  
122 repealed and the following is substituted in lieu thereof (*Effective*  
123 *October 1, 2015*):

124 (c) (1) The council may refuse to renew any certificate if the holder  
125 fails to meet the requirements for renewal of his or her certification.

126 (2) The council may cancel or revoke any certificate if: (A) The  
127 certificate was issued by administrative error, (B) the certificate was  
128 obtained through misrepresentation or fraud, (C) the holder falsified  
129 any document in order to obtain or renew any certificate, (D) the  
130 holder has been convicted of a felony, (E) the holder has been found  
131 not guilty of a felony by reason of mental disease or defect pursuant to  
132 section 53a-13, (F) the holder has been convicted of a violation of  
133 [subsection (c) of] section 21a-279, as amended by this act, (G) the  
134 holder has been refused issuance of a certificate or similar  
135 authorization or has had his or her certificate or other authorization  
136 cancelled or revoked by another jurisdiction on grounds which would  
137 authorize cancellation or revocation under the provisions of this  
138 subdivision, (H) the holder has been found by a law enforcement unit,  
139 pursuant to procedures established by such unit, to have used a  
140 firearm in an improper manner which resulted in the death or serious  
141 physical injury of another person, or (I) the holder has been found by a  
142 law enforcement unit, pursuant to procedures established by such  
143 unit, to have committed any act that would constitute tampering with

144 or fabricating physical evidence in violation of section 53a-155, perjury  
145 in violation of section 53a-156 or false statement in violation of section  
146 53a-157b. Whenever the council believes there is a reasonable basis for  
147 cancellation or revocation of the certification of a police officer, police  
148 training school or law enforcement instructor, it shall give notice and  
149 an adequate opportunity for a hearing prior to such cancellation or  
150 revocation. The council may cancel or revoke any certificate if, after a  
151 de novo review, it finds by clear and convincing evidence (i) a basis set  
152 forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii)  
153 that the holder of the certificate committed an act set forth in  
154 subparagraph (H) or (I) of this subdivision. Any police officer or law  
155 enforcement instructor whose certification is cancelled or revoked  
156 pursuant to this section may reapply for certification no sooner than  
157 two years after the date on which the cancellation or revocation order  
158 becomes final. Any police training school whose certification is  
159 cancelled or revoked pursuant to this section may reapply for  
160 certification at any time after the date on which such order becomes  
161 final.

162 Sec. 3. Subsection (b) of section 29-28 of the general statutes is  
163 repealed and the following is substituted in lieu thereof (*Effective*  
164 *October 1, 2015*):

165 (b) Upon the application of any person having a bona fide  
166 permanent residence within the jurisdiction of any such authority,  
167 such chief of police, warden or selectman may issue a temporary state  
168 permit to such person to carry a pistol or revolver within the state,  
169 provided such authority shall find that such applicant intends to make  
170 no use of any pistol or revolver which such applicant may be  
171 permitted to carry under such permit other than a lawful use and that  
172 such person is a suitable person to receive such permit. No state or  
173 temporary state permit to carry a pistol or revolver shall be issued  
174 under this subsection if the applicant (1) has failed to successfully  
175 complete a course approved by the Commissioner of Emergency  
176 Services and Public Protection in the safety and use of pistols and

177 revolvers including, but not limited to, a safety or training course in  
178 the use of pistols and revolvers available to the public offered by a law  
179 enforcement agency, a private or public educational institution or a  
180 firearms training school, utilizing instructors certified by the National  
181 Rifle Association or the Department of Energy and Environmental  
182 Protection and a safety or training course in the use of pistols or  
183 revolvers conducted by an instructor certified by the state or the  
184 National Rifle Association, (2) has been convicted of (A) a felony, or (B)  
185 on or after October 1, 1994, a violation of [subsection (c) of] section 21a-  
186 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,  
187 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been  
188 convicted as delinquent for the commission of a serious juvenile  
189 offense, as defined in section 46b-120, (4) has been discharged from  
190 custody within the preceding twenty years after having been found  
191 not guilty of a crime by reason of mental disease or defect pursuant to  
192 section 53a-13, (5) (A) has been confined in a hospital for persons with  
193 psychiatric disabilities, as defined in section 17a-495, within the  
194 preceding sixty months by order of a probate court, or (B) has been  
195 voluntarily admitted on or after October 1, 2013, to a hospital for  
196 persons with psychiatric disabilities, as defined in section 17a-495,  
197 within the preceding six months for care and treatment of a psychiatric  
198 disability and not solely for being an alcohol-dependent person or a  
199 drug-dependent person as those terms are defined in section 17a-680,  
200 (6) is subject to a restraining or protective order issued by a court in a  
201 case involving the use, attempted use or threatened use of physical  
202 force against another person, (7) is subject to a firearms seizure order  
203 issued pursuant to subsection (d) of section 29-38c after notice and  
204 hearing, (8) is prohibited from shipping, transporting, possessing or  
205 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien  
206 illegally or unlawfully in the United States, or (10) is less than twenty-  
207 one years of age. Nothing in this section shall require any person who  
208 holds a valid permit to carry a pistol or revolver on October 1, 1994, to  
209 participate in any additional training in the safety and use of pistols  
210 and revolvers. No person may apply for a temporary state permit to  
211 carry a pistol or revolver more than once within any twelve-month

212 period, and no temporary state permit to carry a pistol or revolver  
213 shall be issued to any person who has applied for such permit more  
214 than once within the preceding twelve months. Any person who  
215 applies for a temporary state permit to carry a pistol or revolver shall  
216 indicate in writing on the application, under penalty of false statement  
217 in such manner as the issuing authority prescribes, that such person  
218 has not applied for a temporary state permit to carry a pistol or  
219 revolver within the past twelve months. Upon issuance of a temporary  
220 state permit to carry a pistol or revolver to the applicant, the local  
221 authority shall forward the original application to the commissioner.  
222 Not later than sixty days after receiving a temporary state permit, an  
223 applicant shall appear at a location designated by the commissioner to  
224 receive the state permit. The commissioner may then issue, to any  
225 holder of any temporary state permit, a state permit to carry a pistol or  
226 revolver within the state. Upon issuance of the state permit, the  
227 commissioner shall make available to the permit holder a copy of the  
228 law regarding the permit holder's responsibility to report the loss or  
229 theft of a firearm and the penalties associated with the failure to  
230 comply with such law. Upon issuance of the state permit, the  
231 commissioner shall forward a record of such permit to the local  
232 authority issuing the temporary state permit. The commissioner shall  
233 retain records of all applications, whether approved or denied. The  
234 copy of the state permit delivered to the permittee shall be laminated  
235 and shall contain a full-face photograph of such permittee. A person  
236 holding a state permit issued pursuant to this subsection shall notify  
237 the issuing authority within two business days of any change of such  
238 person's address. The notification shall include the old address and the  
239 new address of such person.

240 Sec. 4. Subsection (b) of section 29-36f of the general statutes is  
241 repealed and the following is substituted in lieu thereof (*Effective*  
242 *October 1, 2015*):

243 (b) The Commissioner of Emergency Services and Public Protection  
244 shall issue an eligibility certificate unless said commissioner finds that

245 the applicant: (1) Has failed to successfully complete a course  
246 approved by the Commissioner of Emergency Services and Public  
247 Protection in the safety and use of pistols and revolvers including, but  
248 not limited to, a safety or training course in the use of pistols and  
249 revolvers available to the public offered by a law enforcement agency,  
250 a private or public educational institution or a firearms training school,  
251 utilizing instructors certified by the National Rifle Association or the  
252 Department of Energy and Environmental Protection and a safety or  
253 training course in the use of pistols or revolvers conducted by an  
254 instructor certified by the state or the National Rifle Association; (2)  
255 has been convicted of a felony or of a violation of [subsection (c) of]  
256 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-  
257 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)  
258 has been convicted as delinquent for the commission of a serious  
259 juvenile offense, as defined in section 46b-120; (4) has been discharged  
260 from custody within the preceding twenty years after having been  
261 found not guilty of a crime by reason of mental disease or defect  
262 pursuant to section 53a-13; (5) (A) has been confined in a hospital for  
263 persons with psychiatric disabilities, as defined in section 17a-495,  
264 within the preceding sixty months by order of a probate court; or (B)  
265 has been voluntarily admitted on or after October 1, 2013, to a hospital  
266 for persons with psychiatric disabilities, as defined in section 17a-495,  
267 within the preceding six months for care and treatment of a psychiatric  
268 disability and not solely for being an alcohol-dependent person or a  
269 drug-dependent person as those terms are defined in section 17a-680,  
270 (6) is subject to a restraining or protective order issued by a court in a  
271 case involving the use, attempted use or threatened use of physical  
272 force against another person; (7) is subject to a firearms seizure order  
273 issued pursuant to subsection (d) of section 29-38c after notice and  
274 hearing; (8) is prohibited from shipping, transporting, possessing or  
275 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien  
276 illegally or unlawfully in the United States.

277 Sec. 5. Subsection (b) of section 29-37p of the general statutes is  
278 repealed and the following is substituted in lieu thereof (*Effective*

279 *October 1, 2015*):

280 (b) The Commissioner of Emergency Services and Public Protection  
281 shall issue a long gun eligibility certificate unless said commissioner  
282 finds that the applicant: (1) Has failed to successfully complete a  
283 course approved by the Commissioner of Emergency Services and  
284 Public Protection in the safety and use of firearms including, but not  
285 limited to, a safety or training course in the use of firearms available to  
286 the public offered by a law enforcement agency, a private or public  
287 educational institution or a firearms training school, utilizing  
288 instructors certified by the National Rifle Association or the  
289 Department of Energy and Environmental Protection and a safety or  
290 training course in the use of firearms conducted by an instructor  
291 certified by the state or the National Rifle Association; (2) has been  
292 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation  
293 of [subsection (c) of] section 21a-279, as amended by this act, or section  
294 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178  
295 or 53a-181d; (3) has been convicted as delinquent for the commission  
296 of a serious juvenile offense, as defined in section 46b-120; (4) has been  
297 discharged from custody within the preceding twenty years after  
298 having been found not guilty of a crime by reason of mental disease or  
299 defect pursuant to section 53a-13; (5) has been confined in a hospital  
300 for persons with psychiatric disabilities, as defined in section 17a-495,  
301 within the preceding sixty months by order of a probate court; (6) has  
302 been voluntarily admitted to a hospital for persons with psychiatric  
303 disabilities, as defined in section 17a-495, within the preceding six  
304 months for care and treatment of a psychiatric disability and not solely  
305 for being an alcohol-dependent person or a drug-dependent person as  
306 those terms are defined in section 17a-680; (7) is subject to a restraining  
307 or protective order issued by a court in a case involving the use,  
308 attempted use or threatened use of physical force against another  
309 person; (8) is subject to a firearms seizure order issued pursuant to  
310 subsection (d) of section 29-38c after notice and hearing; (9) is  
311 prohibited from shipping, transporting, possessing or receiving a  
312 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or

313 unlawfully in the United States.

314 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is  
315 repealed and the following is substituted in lieu thereof (*Effective*  
316 *October 1, 2015*):

317 (a) A person is guilty of criminal possession of a firearm,  
318 ammunition or an electronic defense weapon when such person  
319 possesses a firearm, ammunition or an electronic defense weapon and  
320 (1) has been convicted of a felony committed prior to, on or after  
321 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,  
322 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-  
323 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after  
324 October 1, 2013, (2) has been convicted as delinquent for the  
325 commission of a serious juvenile offense, as defined in section 46b-120,  
326 (3) has been discharged from custody within the preceding twenty  
327 years after having been found not guilty of a crime by reason of mental  
328 disease or defect pursuant to section 53a-13, (4) knows that such  
329 person is subject to (A) a restraining or protective order of a court of  
330 this state that has been issued against such person, after notice and an  
331 opportunity to be heard has been provided to such person, in a case  
332 involving the use, attempted use or threatened use of physical force  
333 against another person, or (B) a foreign order of protection, as defined  
334 in section 46b-15a, that has been issued against such person in a case  
335 involving the use, attempted use or threatened use of physical force  
336 against another person, (5) (A) has been confined on or after October 1,  
337 2013, in a hospital for persons with psychiatric disabilities, as defined  
338 in section 17a-495, within the preceding sixty months by order of a  
339 probate court, or with respect to any person who holds a valid permit  
340 or certificate that was issued or renewed under the provisions of  
341 section 29-28, as amended by this act, or 29-36f, as amended by this act,  
342 in effect prior to October 1, 2013, such person has been confined in  
343 such hospital within the preceding twelve months, or (B) has been  
344 voluntarily admitted on or after October 1, 2013, to a hospital for  
345 persons with psychiatric disabilities, as defined in section 17a-495,

346 within the preceding six months for care and treatment of a psychiatric  
347 disability and not solely for being an alcohol-dependent person or a  
348 drug-dependent person as those terms are defined in section 17a-680,  
349 (6) knows that such person is subject to a firearms seizure order issued  
350 pursuant to subsection (d) of section 29-38c after notice and an  
351 opportunity to be heard has been provided to such person, or (7) is  
352 prohibited from shipping, transporting, possessing or receiving a  
353 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,  
354 "convicted" means having a judgment of conviction entered by a court  
355 of competent jurisdiction, "ammunition" means a loaded cartridge,  
356 consisting of a primed case, propellant or projectile, designed for use  
357 in any firearm, and a motor vehicle violation for which a sentence to a  
358 term of imprisonment of more than one year may be imposed shall be  
359 deemed an unclassified felony.

360 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is  
361 repealed and the following is substituted in lieu thereof (*Effective*  
362 *October 1, 2015*):

363 (a) A person is guilty of criminal possession of a pistol or revolver  
364 when such person possesses a pistol or revolver, as defined in section  
365 29-27, and (1) has been convicted of a felony committed prior to, on or  
366 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-  
367 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,  
368 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or  
369 after October 1, 1994, (2) has been convicted as delinquent for the  
370 commission of a serious juvenile offense, as defined in section 46b-120,  
371 (3) has been discharged from custody within the preceding twenty  
372 years after having been found not guilty of a crime by reason of mental  
373 disease or defect pursuant to section 53a-13, (4) (A) has been confined  
374 prior to October 1, 2013, in a hospital for persons with psychiatric  
375 disabilities, as defined in section 17a-495, within the preceding twelve  
376 months by order of a probate court, or has been confined on or after  
377 October 1, 2013, in a hospital for persons with psychiatric disabilities,  
378 as defined in section 17a-495, within the preceding sixty months by

379 order of a probate court, or, with respect to any person who holds a  
380 valid permit or certificate that was issued or renewed under the  
381 provisions of section 29-28, as amended by this act, or 29-36f, as  
382 amended by this act, in effect prior to October 1, 2013, such person has  
383 been confined in such hospital within the preceding twelve months, or  
384 (B) has been voluntarily admitted on or after October 1, 2013, to a  
385 hospital for persons with psychiatric disabilities, as defined in section  
386 17a-495, within the preceding six months for care and treatment of a  
387 psychiatric disability and not solely for being an alcohol-dependent  
388 person or a drug-dependent person as those terms are defined in  
389 section 17a-680, (5) knows that such person is subject to (A) a  
390 restraining or protective order of a court of this state that has been  
391 issued against such person, after notice and an opportunity to be heard  
392 has been provided to such person, in a case involving the use,  
393 attempted use or threatened use of physical force against another  
394 person, or (B) a foreign order of protection, as defined in section 46b-  
395 15a, that has been issued against such person in a case involving the  
396 use, attempted use or threatened use of physical force against another  
397 person, (6) knows that such person is subject to a firearms seizure  
398 order issued pursuant to subsection (d) of section 29-38c after notice  
399 and an opportunity to be heard has been provided to such person, (7)  
400 is prohibited from shipping, transporting, possessing or receiving a  
401 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or  
402 unlawfully in the United States. For the purposes of this section,  
403 "convicted" means having a judgment of conviction entered by a court  
404 of competent jurisdiction.

405 Sec. 8. Subsection (b) of section 18-100h of the general statutes is  
406 repealed and the following is substituted in lieu thereof (*Effective*  
407 *October 1, 2015*):

408 (b) Notwithstanding any provision of the general statutes,  
409 whenever a person is sentenced to a term of imprisonment for a  
410 violation of section 21a-267 or [subsection (c) of section] 21a-279, as  
411 amended by this act, and committed by the court to the custody of the

412 Commissioner of Correction, the commissioner may, after admission  
413 and a risk and needs assessment, release such person to such person's  
414 residence subject to the condition that such person not leave such  
415 residence unless otherwise authorized. Based upon the assessment of  
416 such person, the commissioner may require such person to be subject  
417 to electronic monitoring, which may include the use of a global  
418 positioning system and continuous monitoring for alcohol  
419 consumption, to drug testing on a random basis, and to any other  
420 conditions that the commissioner may impose. Any person released  
421 pursuant to this subsection shall remain in the custody of the  
422 commissioner and shall be supervised by employees of the department  
423 during the period of such release. Upon the violation by such person of  
424 any condition of such release, the commissioner may revoke such  
425 release and return such person to confinement in a correctional facility.  
426 For purposes of this subsection, "continuous monitoring for alcohol  
427 consumption" means automatically testing breath, blood or  
428 transdermal alcohol concentration levels and tamper attempts at least  
429 once every hour regardless of the location of the person being  
430 monitored.

431 Sec. 9. Section 54-124a of the general statutes is repealed and the  
432 following is substituted in lieu thereof (*Effective October 1, 2015*):

433 (a) There shall be a Board of Pardons and Paroles within the  
434 Department of Correction, for administrative purposes only. On and  
435 after July 1, 2008, and prior to July 1, 2010, the board shall consist of  
436 eighteen members, and on and after July 1, 2010, the board shall  
437 consist of twenty members. The Governor shall appoint all members of  
438 the board with the advice and consent of both houses of the General  
439 Assembly. On and after July 1, 2008, twelve of the members shall serve  
440 exclusively on parole release panels, five of the members shall serve  
441 exclusively on pardons panels and the chairperson may serve on both  
442 parole release panels and pardons panels, except that on and after July  
443 1, 2010, seven of the members shall serve exclusively on pardons  
444 panels. In the appointment of the members, the Governor shall specify

445 the member being appointed as chairperson, the full-time and part-  
446 time members being appointed to serve on parole release panels and  
447 the members being appointed to serve on pardons panels. In the  
448 appointment of the members, the Governor shall comply with the  
449 provisions of section 4-9b. The Governor shall appoint a chairperson  
450 from among the membership. The members of the board appointed on  
451 or after February 1, 2008, shall be qualified by education, experience or  
452 training in the administration of community corrections, parole or  
453 pardons, criminal justice, criminology, the evaluation or supervision of  
454 offenders or the provision of mental health services to offenders. Each  
455 appointment of a member of the board submitted by the Governor to  
456 the General Assembly shall be referred, without debate, to the  
457 committee on the judiciary which shall report thereon not later than  
458 thirty legislative days after the date of reference.

459 (b) The term of each appointed member of the board serving on  
460 June 30, 2008, who had been assigned by the chairperson exclusively to  
461 parole hearings, shall expire on said date. The term of each member of  
462 the board serving on June 30, 2008, who had been appointed  
463 chairperson, had been assigned by the chairperson exclusively to  
464 pardons hearings or has been appointed by the Governor on or after  
465 February 1, 2008, shall be coterminous with the term of the Governor  
466 or until a successor is chosen, whichever is later. Any vacancy in the  
467 membership of the board shall be filled for the unexpired portion of  
468 the term by the Governor.

469 (c) The chairperson and five of the members of the board appointed  
470 by the Governor on or after February 1, 2008, to serve on parole release  
471 panels shall devote full time to the performance of their duties under  
472 this section and shall be compensated therefor in such amount as the  
473 Commissioner of Administrative Services determines, subject to the  
474 provisions of section 4-40. The other members of the board shall  
475 receive one hundred ten dollars for each day spent in the performance  
476 of their duties and shall be reimbursed for necessary expenses incurred  
477 in the performance of such duties. The chairperson or, in the

478 chairperson's absence or inability to act, a member designated by the  
479 chairperson to serve temporarily as chairperson, shall be present at all  
480 meetings of the board and participate in all decisions thereof.

481 (d) The chairperson shall be the executive and administrative head  
482 of said board and shall have the authority and responsibility for (1)  
483 overseeing all administrative affairs of the board, (2) assigning  
484 members to panels, (3) establishing procedural rules for members to  
485 follow when conducting hearings, reviewing recommendations made  
486 by employees of the board and making decisions, (4) adopting policies  
487 in all areas of pardons and paroles including, but not limited to,  
488 granting pardons, commutations of punishments or releases,  
489 conditioned or absolute, in the case of any person convicted of any  
490 offense against the state and commutations from the penalty of death,  
491 risk-based structured decision making and release criteria, (5)  
492 consulting with the Department of Correction on shared issues  
493 including, but not limited to, prison overcrowding, (6) consulting with  
494 the Judicial Branch on shared issues of community supervision, and (7)  
495 signing and issuing subpoenas to compel the attendance and  
496 testimony of witnesses at parole proceedings. Any such subpoena shall  
497 be enforceable to the same extent as subpoenas issued pursuant to  
498 section 52-143.

499 (e) Of the members appointed prior to February 1, 2008, the  
500 chairperson shall assign seven members exclusively to parole release  
501 hearings and shall assign five members exclusively to pardons  
502 hearings. Except for the chairperson, no member assigned to parole  
503 release hearings may be assigned subsequently to pardons hearings  
504 and no member assigned to pardons hearings may be assigned  
505 subsequently to parole release hearings. Prior to July 1, 2008, each  
506 parole release panel shall be composed of two members from among  
507 the members assigned by the chairperson exclusively to parole release  
508 hearings or the members appointed by the Governor on or after  
509 February 1, 2008, to serve exclusively on parole release panels, and the  
510 chairperson or a member designated to serve temporarily as

511 chairperson, for each correctional institution. On and after July 1, 2008,  
512 and prior to October 5, 2009, each parole release panel shall be  
513 composed of two members appointed by the Governor on or after  
514 February 1, 2008, to serve on parole release panels, at least one of  
515 whom is a full-time member, and the chairperson or a full-time  
516 member designated to serve temporarily as chairperson, for each  
517 correctional institution. On and after October 5, 2009, each parole  
518 release panel shall be composed of two members appointed by the  
519 Governor to serve on parole release panels and the chairperson or a  
520 full-time member designated to serve temporarily as chairperson, for  
521 each correctional institution. Such parole release panels shall be the  
522 paroling authority for the institutions to which they are assigned and  
523 not less than two members shall be present at each parole hearing.  
524 Each pardons panel shall be composed of three members from among  
525 the members assigned by the chairperson exclusively to pardons  
526 hearings or the members appointed by the Governor on or after  
527 February 1, 2008, to serve on pardons panels, one of whom may be the  
528 chairperson, except that for hearings on commutations from the  
529 penalty of death, one member of the panel shall be the chairperson.

530 (f) The Board of Pardons and Paroles shall have independent  
531 decision-making authority to (1) grant or deny parole in accordance  
532 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish  
533 conditions of parole or special parole supervision in accordance with  
534 section 54-126, (3) rescind or revoke parole or special parole in  
535 accordance with sections 54-127 and 54-128, (4) grant commutations of  
536 punishment or releases, conditioned or absolute, in the case of any  
537 person convicted of any offense against the state and commutations  
538 from the penalty of death in accordance with section 54-130a.

539 (g) The Department of Correction shall be responsible for the  
540 supervision of any person transferred to the jurisdiction of the Board  
541 of Pardons and Paroles during such person's period of parole or  
542 special parole.

543 (h) The chairperson, or the chairperson's designee, and two

544 members of the board from among the members assigned by the  
545 chairperson to serve exclusively on parole release panels or the  
546 members appointed by the Governor on or after February 1, 2008, to  
547 serve on parole release panels, shall conduct all parole release  
548 hearings, and shall approve or deny all parole revocations and parole  
549 rescissions recommended by an employee of the board pursuant to  
550 section 54-127a. In the case of a hearing concerning a person convicted  
551 of a violation of section 53a-54a, 53a-54c or 53a-54d, the panel shall be  
552 comprised of three of the five longest serving parole release panel  
553 members. No panel of the Board of Pardons and Paroles shall hold a  
554 hearing to determine the suitability for parole release of any person  
555 unless the chairperson of the board has made reasonable efforts to  
556 determine the existence of and obtain all information deemed  
557 pertinent to the panel's decision and has certified that all such  
558 pertinent information determined to exist has been obtained or is  
559 unavailable.

560 (i) The chairperson of the board shall appoint an executive director.  
561 The executive director shall oversee the administration of the agency  
562 and, at the discretion of the chairperson, shall: (1) Direct and supervise  
563 all administrative affairs of the board, (2) prepare the budget and  
564 annual operation plan, (3) assign staff to administrative reviews, (4)  
565 organize pardons and parole release hearing calendars, (5) implement  
566 a uniform case filing and processing system, and (6) create programs  
567 for staff and board member development, training and education.

568 (j) The chairperson, in consultation with the executive director, shall  
569 adopt regulations, in accordance with chapter 54, concerning:

570 (1) Parole revocation and rescission hearings that include  
571 implementing due process requirements;

572 (2) An administrative pardons process that allows an applicant  
573 convicted of a crime to be granted a pardon with respect to such crime  
574 without a hearing, unless a victim of such crime requests such a  
575 hearing, if such applicant was:

576 (A) Convicted of a misdemeanor and (i) such conduct no longer  
577 constitutes a crime, (ii) such applicant was under twenty-one years of  
578 age at the time of conviction and has not been convicted of a crime  
579 during the five years preceding the date on which the pardon is  
580 granted, or (iii) such conviction occurred prior to the effective date of  
581 the establishment of a program under sections 17a-692 to 17a-701,  
582 inclusive, section 46b-38c, 53a-39a, 53a-39c, as amended by this act, 54-  
583 56e, 54-56g, 54-56i or 54-56j for which the applicant would have been  
584 eligible had such program existed at the time of conviction, provided  
585 the chairperson determines the applicant would likely have been  
586 granted entry into such program; or

587 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279  
588 and such applicant has not been convicted of a crime during the five  
589 years preceding the date on which the pardon is granted, provided  
590 such date is at least ten years after the date of such conviction or such  
591 applicant's release from incarceration, whichever is later; [and]

592 (3) Requiring board members assigned to pardons hearings to issue  
593 written statements containing the reasons for rejecting any application  
594 for a pardon; [.] and

595 (4) In the case of any administrative parole hearing, no applicant for  
596 parole may be granted parole unless each board member or employee,  
597 who reviewed such applicant's file and any recommendation  
598 concerning such applicant, certifies that he or she reviewed such  
599 applicant's file and any such recommendation.

600 (k) The Board of Pardons and Paroles shall hold a pardons hearing  
601 at least once every three months and shall hold such hearings in  
602 various geographical areas of the state. The board shall not hold a  
603 pardons hearing within or on the grounds of a correctional facility  
604 except when solely for the benefit of applicants who are incarcerated at  
605 the time of such hearing.

606 (l) The chairperson and executive director shall establish:

607 (1) In consultation with the Department of Correction, a parole  
608 orientation program for all parole-eligible inmates upon their transfer  
609 to the custody of the Commissioner of Correction that will provide  
610 general information on the laws and policies regarding parole release,  
611 calculation of time-served standards, general conditions of release,  
612 supervision practices, revocation and rescission policies, and  
613 procedures for administrative review and panel hearings, and any  
614 other information that the board deems relevant for preparing inmates  
615 for parole;

616 (2) An incremental sanctions system for parole violations including,  
617 but not limited to, reincarceration based on the type, severity and  
618 frequency of the violation and specific periods of incarceration for  
619 certain types of violations; and

620 (3) A formal training program for members of the board and parole  
621 officers that shall include, but not be limited to, an overview of the  
622 criminal justice system, the parole system including factors to be  
623 considered in granting parole, victim rights and services, reentry  
624 strategies, risk assessment, case management and mental health issues.  
625 Each member shall complete such training annually.

626 (m) The board shall employ at least one psychologist with expertise  
627 in risk assessment and recidivism of criminal offenders who shall be  
628 under the supervision of the chairperson and assist the board in its  
629 parole release decisions.

630 (n) In the event of the temporary inability of any member other than  
631 the chairperson to perform his or her duties, the Governor, at the  
632 request of the board, may appoint a qualified person to serve as a  
633 temporary member during such period of inability.

634 (o) The chairperson of the Board of Pardons and Paroles shall: (1)  
635 Adopt an annual budget and plan of operation, (2) adopt such rules as  
636 deemed necessary for the internal affairs of the board, and (3) submit  
637 an annual report to the Governor and General Assembly.

638 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,  
639 the Board of Pardons and Paroles shall develop a pardon eligibility  
640 notice containing written explanatory text of the pardons process set  
641 forth in chapter 961 of the general statutes. The board, in conjunction  
642 with the Judicial Department and Department of Correction, shall  
643 ensure that such notice is provided to a person at the time such person  
644 (1) is sentenced pursuant to section 54-92 of the general statutes, (2) is  
645 released by the Department of Correction, including any pretrial  
646 release pursuant to section 18-100f of the general statutes, (3) has  
647 completed or been discharged from a period of parole, and (4) has  
648 completed a period of probation or conditional discharge pursuant to  
649 section 53a-29 or 53a-33 of the general statutes. The board shall update  
650 such notice as deemed necessary by the board.

651 Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted  
652 of a crime for which there is a victim, as defined in section 54-201 of  
653 the general statutes or section 54-226 of the general statutes, who is  
654 known by the Board of Pardons and Paroles, (2) whose eligibility for  
655 parole release is not subject to the provisions of subsection (b) of  
656 section 54-125a of the general statutes, (3) who was not convicted of a  
657 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,  
658 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb,  
659 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa,  
660 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,  
661 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c of the general  
662 statutes, and (4) who is not otherwise prohibited from being granted  
663 parole for any reason, may be allowed to go at large on parole in  
664 accordance with the provisions of section 54-125a of the general  
665 statutes, as amended by this act, or section 54-125g of the general  
666 statutes, as amended by this act, pursuant to the provisions of  
667 subsections (b) and (c) of this section.

668 (b) A member of the board, or an employee of the board qualified  
669 by education, experience or training in the administration of  
670 community corrections, parole, pardons, criminal justice, criminology,

671 the evaluation or supervision of offenders or the provision of mental  
672 health services to offenders, may evaluate whether parole should be  
673 granted to an inmate pursuant to this section. The board member or  
674 employee shall (1) use risk-based structured decision making and  
675 release criteria developed under policies adopted by the board  
676 pursuant to subsection (d) of section 54-124a of the general statutes, as  
677 amended by this act, and (2) review the inmate's offender  
678 accountability plan, including, but not limited to, the environment to  
679 which the inmate plans to return upon release, to determine whether  
680 parole should be recommended for such inmate.

681 (c) If the board member or qualified employee recommends parole  
682 for an inmate, the chairperson of the board shall present such  
683 recommendation and all pertinent information to a parole release  
684 panel for approval. No parole release panel may review such  
685 recommendation and determine the suitability for parole release of an  
686 inmate unless the chairperson has made reasonable efforts to  
687 determine the existence of and obtain all information deemed  
688 pertinent to the panel's decision and has certified that all such  
689 pertinent information determined to exist has been obtained or is  
690 unavailable.

691 Sec. 12. Subsection (a) of section 54-125a of the general statutes is  
692 repealed and the following is substituted in lieu thereof (*Effective July*  
693 *1, 2015*):

694 (a) A person convicted of one or more crimes who is incarcerated on  
695 or after October 1, 1990, who received a definite sentence or aggregate  
696 sentence of more than two years, and who has been confined under  
697 such sentence or sentences for not less than one-half of the aggregate  
698 sentence less any risk reduction credit earned under the provisions of  
699 section 18-98e or one-half of the most recent sentence imposed by the  
700 court less any risk reduction credit earned under the provisions of  
701 section 18-98e, whichever is greater, may be allowed to go at large on  
702 parole in (1) accordance with the provisions of section 11 of this act, or  
703 (2) the discretion of [the] a panel of the Board of Pardons and Paroles,

704 [for the institution in which the person is confined,] if [(1)] (A) it  
705 appears from all available information, including any reports from the  
706 Commissioner of Correction that the panel may require, that there is  
707 reasonable probability that such inmate will live and remain at liberty  
708 without violating the law, and [(2)] (B) such release is not incompatible  
709 with the welfare of society. At the discretion of the panel, and under  
710 the terms and conditions as may be prescribed by the panel including  
711 requiring the parolee to submit personal reports, the parolee shall be  
712 allowed to return to the parolee's home or to reside in a residential  
713 community center, or to go elsewhere. The parolee shall, while on  
714 parole, remain under the jurisdiction of the board until the expiration  
715 of the maximum term or terms for which the parolee was sentenced  
716 less any risk reduction credit earned under the provisions of section  
717 18-98e. Any parolee released on the condition that the parolee reside in  
718 a residential community center may be required to contribute to the  
719 cost incidental to such residence. Each order of parole shall fix the  
720 limits of the parolee's residence, which may be changed in the  
721 discretion of the board and the Commissioner of Correction. Within  
722 three weeks after the commitment of each person sentenced to more  
723 than two years, the state's attorney for the judicial district shall send to  
724 the Board of Pardons and Paroles the record, if any, of such person.

725 Sec. 13. Section 54-125g of the general statutes is repealed and the  
726 following is substituted in lieu thereof (*Effective July 1, 2015*):

727 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-  
728 125a, as amended by this act, any person who has six months or less to  
729 the expiration of the maximum term or terms for which such person  
730 was sentenced, may be allowed to go at large on parole pursuant to  
731 section 11 of this act or following a hearing pursuant to section 54-  
732 125a, as amended by this act, provided such person agrees (1) to be  
733 subject to supervision by personnel of the Department of Correction  
734 for a period of one year, and (2) to be retained in the institution from  
735 which such person was paroled for a period equal to the unexpired  
736 portion of the term of his or her sentence if such person is found to

737 have violated the terms or conditions of his or her parole. Any person  
738 subject to the provisions of subdivision (1) or (2) of subsection (b) of  
739 section 54-125a shall only be eligible to go at large on parole under this  
740 section after having served ninety-five per cent of the definite sentence  
741 imposed.

742 Sec. 14. Subsection (e) of section 54-125a of the general statutes is  
743 repealed and the following is substituted in lieu thereof (*Effective*  
744 *October 1, 2015*):

745 (e) The Board of Pardons and Paroles may hold a hearing to  
746 determine the suitability for parole release of any person whose  
747 eligibility for parole release is subject to the provisions of subdivision  
748 (2) of subsection (b) of this section upon completion by such person of  
749 eighty-five per cent of such person's definite or aggregate sentence. An  
750 employee of the board or, if deemed necessary by the chairperson, a  
751 panel of the board shall assess the suitability for parole release of such  
752 person based on the following standards: (1) Whether there is  
753 reasonable probability that such person will live and remain at liberty  
754 without violating the law, and (2) whether the benefits to such person  
755 and society that would result from such person's release to community  
756 supervision substantially outweigh the benefits to such person and  
757 society that would result from such person's continued incarceration. If  
758 a hearing is held, and if the board determines that continued  
759 confinement is necessary, the board shall articulate for the record the  
760 specific reasons why such person and the public would not benefit  
761 from such person serving a period of parole supervision while  
762 transitioning from incarceration to the community. No hearing  
763 pursuant to the provisions of this subsection may proceed unless the  
764 parole release panel is in possession of the complete file for such  
765 applicant, including any documentation from the Department of  
766 Correction, the trial record, the sentencing record and any file of any  
767 previous parole hearing. Each member of the panel shall certify that all  
768 such documentation has been reviewed in preparation for such  
769 hearing. If a hearing is not held, the board shall document the specific

770 reasons for not holding a hearing and provide such reasons to such  
771 person. No person shall be released on parole without receiving a  
772 hearing. The decision of the board under this subsection shall not be  
773 subject to appeal.

774 Sec. 15. Section 54-126a of the general statutes is repealed and the  
775 following is substituted in lieu thereof (*Effective October 1, 2015*):

776 (a) (1) For the purposes of this section, "victim" means a person who  
777 is a victim of a crime, the legal representative of such person, a  
778 member of a deceased victim's immediate family or a person  
779 designated by a deceased victim in accordance with section 1-56r.

780 [(b) At a] (2) The Board of Pardons and Paroles shall ensure that at  
781 least two victims of any crime register his or her name and address  
782 with the board, provided there are two victims of such crime. If there  
783 are three victims of such crime, the board shall ensure each such victim  
784 so registers with the board. If there is only one victim of such crime,  
785 the board shall ensure that such victim so registers. Any other victim  
786 of such crime may register with the board. Prior to any hearing held by  
787 a panel [of the Board of Pardons and Paroles] for the purpose of  
788 determining the eligibility for parole of an inmate incarcerated for the  
789 commission of [any] such crime, the board shall notify in writing each  
790 registered victim of such crime and any other victim of such crime  
791 who is known to the board, the Department of Correction or the Office  
792 of the Victim Advocate of the time, date and location of the hearing  
793 and that such victim may make a statement or submit a written  
794 statement pursuant to subsection (b) of this section. At any such  
795 hearing, the Victim Advocate or the Victim Advocate's designee shall  
796 read into the record the name of any victim of such crime who was  
797 notified pursuant to this subsection, a description of any unsuccessful  
798 attempt to notify any such victim and any response or correspondence  
799 that was received by any such victim. If there is no known victim or no  
800 such victim can be located, the board shall notify the chief law  
801 enforcement of the town in which such crime occurred of the time,  
802 date and location of such hearing.

803       (b) Each such panel shall permit any victim of the crime for which  
804 the inmate is incarcerated to appear before the panel for the purpose of  
805 making a statement for the record concerning whether the inmate  
806 should be released on parole or the nature of any terms or conditions  
807 to be imposed upon any such release. In lieu of such appearance, the  
808 victim may submit a written statement to the panel and the panel shall  
809 make such statement a part of the record at the parole hearing.

810       (c) Nothing in this section shall be construed to prohibit the board  
811 from exercising its discretion to permit a member or members of a  
812 victim's immediate family to appear before the panel and make a  
813 statement in accordance with subsection (b) of this section.

814       Sec. 16. (NEW) (*Effective October 1, 2015*) (a) Prior to any hearing  
815 conducted by the Board of Pardons and Paroles to determine the  
816 suitability for parole release under the provisions of chapter 961 of the  
817 general statutes, the board shall notify the office of the Chief State's  
818 Attorney of such hearing by certified mail. Such notice shall identify  
819 the applicant being considered for parole and the time, date and place  
820 of such hearing.

821       (b) Any such hearing shall begin with a member of the parole  
822 release panel reading into the record of the hearing the records and  
823 documentation that shall be considered at such hearing. Any request  
824 for any such record or documentation by the office of the Chief State's  
825 Attorney or the Chief Public Defender shall be granted and shall not be  
826 subject to the provisions of chapter 14 of the general statutes.

827       Sec. 17. Section 54-56i of the general statutes is repealed and the  
828 following is substituted in lieu thereof (*Effective October 1, 2015*):

829       (a) There is established a pretrial drug education and community  
830 service program for persons charged with a violation of section  
831 21a-267, 21a-279, as amended by this act, or 21a-279a. The drug  
832 education and community service program shall include a fifteen-  
833 week drug education program and a substance abuse treatment

834 program of not less than fifteen sessions, and the performance of  
835 community service.

836 (b) Upon referral of or application by any such person for  
837 participation in such program and payment to the court of an  
838 application fee of one hundred dollars and a nonrefundable evaluation  
839 fee of one hundred fifty dollars, the court shall, but only as to the  
840 public, order the court file sealed. A person shall be ineligible for  
841 participation in such pretrial drug education and community service  
842 program if such person has twice previously participated in (1) the  
843 pretrial drug education program established under the provisions of  
844 this section in effect prior to October 1, 2013, (2) the community service  
845 labor program established under section 53a-39c, as amended by this  
846 act, (3) the drug education and community service program  
847 established under this section, or (4) any of such programs, except that  
848 the court may allow a person who has twice previously participated in  
849 such programs to participate in the pretrial drug education and  
850 community service program one additional time, for good cause  
851 shown. The evaluation and application fee imposed under this  
852 subsection shall be credited to the pretrial account established under  
853 section 54-56k.

854 (c) The court, after consideration of the recommendation of the  
855 state's attorney, assistant state's attorney or deputy assistant state's  
856 attorney in charge of the case, may, in its discretion, grant such  
857 application and shall accept any referral made pursuant to section 21a-  
858 279, as amended by this act. [If the court grants] Upon the acceptance  
859 of such referral or the granting of such application, the court shall refer  
860 such person (1) to the Court Support Services Division for  
861 confirmation of the eligibility of [the applicant] such person, (2) to the  
862 Department of Mental Health and Addiction Services for evaluation  
863 and determination of an appropriate drug education or substance  
864 abuse treatment program for the first or second time such application  
865 is granted or referral is accepted, and (3) to a state-licensed substance  
866 abuse treatment program for evaluation and determination of an

867 appropriate substance abuse treatment program for the third time such  
868 application is granted or referral is accepted, except that, if such person  
869 is a veteran, the court may refer such person to the Department of  
870 Veterans' Affairs or the United States Department of Veterans Affairs,  
871 as applicable, for any such evaluation and determination. For the  
872 purposes of this subsection and subsection (d) of this section, "veteran"  
873 means any person who was discharged or released under conditions  
874 other than dishonorable from active service in the armed forces as  
875 defined in section 27-103.

876 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
877 evaluation and determination required under subsection (c) of this  
878 section, such person shall be placed in the drug education and  
879 community service program and referred by the Court Support  
880 Services Division for the purpose of receiving appropriate drug  
881 education services or substance abuse treatment program services, as  
882 recommended by the evaluation conducted pursuant to subsection (c)  
883 of this section and ordered by the court, to the Department of Mental  
884 Health and Addiction Services or to a state-licensed substance abuse  
885 treatment program for placement in the appropriate drug education or  
886 substance abuse treatment program, except that, if such person is a  
887 veteran, the division may refer such person to the Department of  
888 Veterans' Affairs or the United States Department of Veterans Affairs,  
889 subject to the provisions of subdivision (2) of this subsection.

890 (B) Persons who have been granted entry into the drug education  
891 and community service program for the first time shall participate in  
892 either a fifteen-week drug education program or a substance abuse  
893 treatment program of not less than fifteen sessions, as ordered by the  
894 court on the basis of the evaluation and determination required under  
895 subsection (c) of this section. Persons who have been granted entry  
896 into the drug education and community service program for the  
897 second time shall participate in either a fifteen-week drug education  
898 program or a substance abuse treatment program of not less than  
899 fifteen sessions, as ordered by the court based on the evaluation and

900 determination required under subsection (c) of this section. Persons  
901 who have been granted entry into the drug education and community  
902 service program for a third time shall be referred to a state-licensed  
903 substance abuse program for evaluation and participation in a course  
904 of treatment as ordered by the court based on the evaluation and  
905 determination required under subsection (c) of this section.

906 (C) Persons who have been granted entry into the drug education  
907 and community service program shall also participate in a community  
908 service program administered by the Court Support Services Division  
909 pursuant to section 53a-39c, as amended by this act. Persons who have  
910 been granted entry into the drug education and community service  
911 program for the first time shall participate in the community service  
912 program for a period of five days. Persons who have been granted  
913 entry into the drug education and community service program for the  
914 second time shall participate in the community service program for a  
915 period of fifteen days. Persons who have been granted entry into the  
916 drug education and community service program for a third or  
917 additional time shall participate in the community service program for  
918 a period of thirty days.

919 (D) Placement in the drug education and community service  
920 program pursuant to this section shall not exceed one year. Persons  
921 receiving substance abuse treatment program services in accordance  
922 with the provisions of this section shall only receive such services at  
923 state-licensed substance abuse treatment program facilities that are in  
924 compliance with all state standards governing the operation of such  
925 facilities, except that, if such person is a veteran, such person may  
926 receive services from facilities under the supervision of the  
927 Department of Veterans' Affairs or the United States Department of  
928 Veterans Affairs, subject to the provisions of subdivision (2) of this  
929 subsection.

930 (E) Any person who enters the drug education and community  
931 service program shall agree: (i) To the tolling of the statute of  
932 limitations with respect to such crime; (ii) to a waiver of such person's

933 right to a speedy trial; (iii) to complete participation in the drug  
934 education and community service program, as ordered by the court;  
935 (iv) to commence participation in the drug education and community  
936 service program not later than ninety days after the date of entry of the  
937 court order unless granted a delayed entry into the program by the  
938 court; and (v) upon completion of participation in the drug education  
939 and community service program, to accept (I) placement in a treatment  
940 program upon the recommendation of a provider under contract with  
941 the Department of Mental Health and Addiction Services or a provider  
942 under the supervision of the Department of Veterans' Affairs or the  
943 United States Department of Veterans Affairs, or (II) placement in a  
944 treatment program that has standards substantially similar to, or  
945 higher than, a program of a provider under contract with the  
946 Department of Mental Health and Addiction Services, if the Court  
947 Support Services Division deems it appropriate.

948 (2) The Court Support Services Division may only refer a veteran to  
949 the Department of Veterans' Affairs or the United States Department of  
950 Veterans Affairs for the receipt of services under the program if (A) the  
951 division determines that such services will be provided in a timely  
952 manner under standards substantially similar to, or higher than,  
953 standards for services provided by the Department of Mental Health  
954 and Addiction Services under the program, and (B) the applicable  
955 department agrees to submit timely program participation and  
956 completion reports to the division in the manner required by the  
957 division.

958 (e) If the Court Support Services Division informs the court that  
959 such person is ineligible for the program and the court makes a  
960 determination of ineligibility or if the program provider certifies to the  
961 court that such person did not successfully complete the assigned  
962 program and such person did not request, or the court denied,  
963 reinstatement in the program under subsection (i) of this section, the  
964 court shall order the court file to be unsealed, enter a plea of not guilty  
965 for such person and immediately place the case on the trial list.

966 (f) If such person satisfactorily completes the assigned program,  
967 such person may apply for dismissal of the charges against such  
968 person and the court, on reviewing the record of such person's  
969 participation in such program submitted by the Court Support  
970 Services Division and on finding such satisfactory completion, shall  
971 dismiss the charges. If such person does not apply for dismissal of the  
972 charges against such person after satisfactorily completing the  
973 assigned program, the court, upon receipt of the record of such  
974 person's participation in such program submitted by the Court  
975 Support Services Division, may on its own motion make a finding of  
976 such satisfactory completion and dismiss the charges. Upon motion of  
977 such person and a showing of good cause, the court may extend the  
978 placement period for a reasonable period of time to allow such person  
979 to complete the assigned program. A record of participation in such  
980 program shall be retained by the Court Support Services Division for a  
981 period of ten years from the date the court grants the application for  
982 participation in the program.

983 (g) At the time the court grants the application or accepts the  
984 referral for participation in the pretrial drug education and community  
985 service program, any person ordered to participate in the drug  
986 education program shall pay to the court a nonrefundable program fee  
987 of six hundred dollars. If the court orders participation in a substance  
988 abuse treatment program, such person shall pay to the court a  
989 nonrefundable program fee of one hundred dollars and shall be  
990 responsible for the costs associated with such program. No person may  
991 be excluded from any such program for inability to pay such fee or  
992 cost, provided (1) such person files with the court an affidavit of  
993 indigency or inability to pay, (2) such indigency or inability to pay is  
994 confirmed by the Court Support Services Division, and (3) the court  
995 enters a finding thereof. The court may waive all or any portion of  
996 such fee depending on such person's ability to pay. If the court finds  
997 that a person is indigent or unable to pay for a substance abuse  
998 treatment program, the costs of such program shall be paid from the  
999 pretrial account established under section 54-56k. If the court denies

1000 the application, such person shall not be required to pay the program  
1001 fee. If the court grants the application, and such person is later  
1002 determined to be ineligible for participation in such pretrial drug  
1003 education and community service program or fails to complete the  
1004 assigned program, the program fee shall not be refunded. All program  
1005 fees shall be credited to the pretrial account established under section  
1006 54-56k.

1007 (h) If a person returns to court with certification from a program  
1008 provider that such person did not successfully complete the assigned  
1009 program or is no longer amenable to treatment, the provider, to the  
1010 extent practicable, shall include a recommendation to the court as to  
1011 whether placement in a drug education program or placement in a  
1012 substance abuse treatment program would best serve such person's  
1013 needs. The provider shall also indicate whether the current program  
1014 referral was an initial referral or a reinstatement to the program.

1015 (i) When a person subsequently requests reinstatement into a drug  
1016 education program or a substance abuse treatment program and the  
1017 Court Support Services Division verifies that such person is eligible for  
1018 reinstatement into such program and thereafter the court favorably  
1019 acts on such request, any person reinstated into the drug education  
1020 program shall pay a nonrefundable program fee of two hundred fifty  
1021 dollars, and any person reinstated into a substance abuse treatment  
1022 program shall be responsible for the costs, if any, associated with being  
1023 reinstated into the treatment program. Unless good cause is shown,  
1024 such program fee shall not be waived. All program fees collected in  
1025 connection with a reinstatement to a drug education program shall be  
1026 credited to the pretrial account established under section 54-56k. No  
1027 person shall be permitted more than two program reinstatements  
1028 pursuant to this subsection.

1029 (j) The Department of Mental Health and Addiction Services shall  
1030 develop standards and oversee appropriate drug education programs  
1031 that it administers to meet the requirements of this section and may  
1032 contract with service providers to provide such programs. The

1033 department shall adopt regulations, in accordance with chapter 54, to  
 1034 establish standards for such drug education programs.

1035 (k) Any person whose employment or residence or schooling makes  
 1036 it unreasonable to attend a drug education program or substance  
 1037 abuse treatment program in this state may attend a program in another  
 1038 state that has standards similar to, or higher than, those of this state,  
 1039 subject to the approval of the court and payment of the program fee or  
 1040 costs as provided in this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	21a-279
Sec. 2	<i>October 1, 2015</i>	7-294d(c)
Sec. 3	<i>October 1, 2015</i>	29-28(b)
Sec. 4	<i>October 1, 2015</i>	29-36f(b)
Sec. 5	<i>October 1, 2015</i>	29-37p(b)
Sec. 6	<i>October 1, 2015</i>	53a-217(a)
Sec. 7	<i>October 1, 2015</i>	53a-217c(a)
Sec. 8	<i>October 1, 2015</i>	18-100h(b)
Sec. 9	<i>October 1, 2015</i>	54-124a
Sec. 10	<i>July 1, 2015</i>	New section
Sec. 11	<i>July 1, 2015</i>	New section
Sec. 12	<i>July 1, 2015</i>	54-125a(a)
Sec. 13	<i>July 1, 2015</i>	54-125g
Sec. 14	<i>October 1, 2015</i>	54-125a(e)
Sec. 15	<i>October 1, 2015</i>	54-126a
Sec. 16	<i>October 1, 2015</i>	New section
Sec. 17	<i>October 1, 2015</i>	54-56i