



Substitute Senate Bill No. 365

Public Act No. 16-126

AN ACT CONCERNING CHILD ENDANGERMENT WHILE DRIVING WHILE UNDER THE INFLUENCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2016*) (a) No person shall operate a motor vehicle in which a child under eighteen years of age is a passenger while such person (1) is under the influence of intoxicating liquor or any drug or both, or (2) has an elevated blood alcohol content. For the purposes of this section, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol by weight; and "motor vehicle" includes a snowmobile and all-terrain vehicle, as those terms are defined in section 14-379 of the general statutes.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a of the general statutes, adapted accordingly,

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shall be applicable to a violation of subsection (a) of this section.

(c) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than two thousand dollars, (B) be imprisoned not more than one year, thirty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e of the general statutes, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j of the general statutes, as amended by this act; (2) for conviction of a second violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than three years, one hundred eighty consecutive days of which may not be suspended or reduced in any manner and sentenced to a period of probation requiring as a condition of such

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probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e of the general statutes, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the violation, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j of the general statutes, as amended by this act, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center, a treatment program ordered by the Department of Children and Families or an appointment with a probation officer or Department of Children and Families caseworker; and (3) for a third or subsequent conviction of a violation of this section not later than ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than five years, two years of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in

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section 14-227e of the general statutes, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, (iii) undergo a treatment program, including chemical screening, if so ordered, (iv) submit to an interview and evaluation by the Department of Children and Families to assess any ongoing risk posed to any child who was a passenger in the motor vehicle at the time of the offense, and (v) cooperate with any programming, treatment, directives or plan if so ordered by the Department of Children and Families, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111 of the general statutes, as amended by this act, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j of the general statutes, as amended by this act, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111 of the general statutes, as amended by this act. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section, subsection (a) of section 14-227a of the general statutes, subsection (a) of section 14-227g of the general statutes, subdivision (1) or (2) of subsection (a) of section 2 of this act, subsection (a) of section 53a-56b of the general statutes or subsection (a) of section 53a-60d of the general statutes or a conviction in any other state of any offense, the essential elements of which are determined by the court to be substantially the same as the elements of the aforementioned provisions, shall constitute a prior conviction for the same offense.

Sec. 2. (NEW) (*Effective October 1, 2016*) (a) (1) No person shall operate a school bus, student transportation vehicle or other motor

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vehicle specially designated for carrying children while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content.

(2) No person shall operate a school bus, student transportation vehicle or other motor vehicle specially designated for carrying children in which a child under eighteen years of age is a passenger while such person (A) is under the influence of intoxicating liquor or any drug or both, or (B) has an elevated blood alcohol content.

(3) For the purposes of this section, "motor vehicle specially designated for carrying children" means any motor vehicle, except for a registered school bus or student transportation vehicle as defined in section 14-212 of the general statutes, that is designated or used by a person, firm or corporation for the transportation of children to or from any program or activity organized primarily for persons under the age of eighteen years, with or without charge to the individual being transported, but does not include a passenger motor vehicle normally used for personal, family or household purposes that is operated by a person without a public passenger endorsement; and "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, except that if such person is operating a commercial motor vehicle, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, and if such person is under twenty-one years of age, "elevated blood alcohol content" means a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(b) The provisions of subsections (b), (c), (d), (e), (f), (h), (i), (j), (k) and (l) of section 14-227a of the general statutes, adapted accordingly, shall be applicable to violations of subdivisions (1) and (2) of subsection (a) of this section.

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(c) (1) Any person who violates subdivision (1) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, thirty consecutive days of which shall not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e of the general statutes, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j of the general statutes, as amended by this act, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

(2) Any person who violates subdivision (2) of subsection (a) of this section shall: (A) Be fined not more than ten thousand dollars, (B) be imprisoned not less than one year or more than ten years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person (i) perform one hundred hours of community service, as defined in section 14-227e of the general statutes as amended by this act, (ii) submit to an assessment

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through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program, including chemical screening, if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for a three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j of the general statutes, as amended by this act, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer.

Sec. 3. Subsection (g) of section 14-227a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) Any person who violates any provision of subsection (a) of this section shall: (1) For conviction of a first violation, (A) be fined not less than five hundred dollars or more than one thousand dollars, and (B) be (i) imprisoned not more than six months, forty-eight consecutive hours of which may not be suspended or reduced in any manner, or (ii) imprisoned not more than six months, with the execution of such sentence of imprisonment suspended entirely and a period of probation imposed requiring as a condition of such probation that such person perform one hundred hours of community service, as defined in section 14-227e, as amended by this act, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the

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restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the one-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, as amended by this act; (2) for conviction of a second violation within ten years after a prior conviction for the same offense, (A) be fined not less than one thousand dollars or more than four thousand dollars, (B) be imprisoned not more than two years, one hundred twenty consecutive days of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege suspended for forty-five days and, as a condition for the restoration of such license, be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited for the three-year period following such restoration from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, as amended by this act, except that for the first year of such three-year period, such person's operation of a motor vehicle shall be limited to such person's transportation to or from work or school, an alcohol or drug abuse treatment program, an ignition interlock device service center or an appointment with a probation officer; and (3) for conviction of a third and subsequent violation within ten years after a prior conviction for the same offense, (A) be fined not less than two thousand dollars or more than eight thousand dollars, (B) be imprisoned not more than

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three years, one year of which may not be suspended or reduced in any manner, and sentenced to a period of probation requiring as a condition of such probation that such person: (i) Perform one hundred hours of community service, as defined in section 14-227e, as amended by this act, (ii) submit to an assessment through the Court Support Services Division of the Judicial Branch of the degree of such person's alcohol or drug abuse, and (iii) undergo a treatment program if so ordered, and (C) have such person's motor vehicle operator's license or nonresident operating privilege permanently revoked upon such third offense, except that if such person's revocation is reversed or reduced pursuant to subsection (i) of section 14-111, as amended by this act, such person shall be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, as amended by this act, for the time period prescribed in subdivision (2) of subsection (i) of section 14-111, as amended by this act. For purposes of the imposition of penalties for a second or third and subsequent offense pursuant to this subsection, a conviction under the provisions of subsection (a) of this section in effect on October 1, 1981, or as amended thereafter, a conviction under the provisions of either subdivision (1) or (2) of subsection (a) of this section, a conviction under the provisions of section 1 of this act, a conviction under the provisions of subdivision (1) or (2) of subsection (a) of section 2 of this act, a conviction under the provisions of section 53a-56b or 53a-60d or a conviction in any other state of any offense the essential elements of which are determined by the court to be substantially the same as subdivision (1) or (2) of subsection (a) of this section, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or section 53a-56b or 53a-60d, shall constitute a prior conviction for the same offense.

Sec. 4. Subsection (a) of section 54-56g of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

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(a) (1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, as amended by this act, 14-227g, 15-133 or 15-140n, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act. Upon application by any such person for participation in such program and payment to the court of an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: (A) If such person is charged with a violation of section 14-227a, as amended by this act, section 14-227g, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, subsection (d) of section 15-133 or section 15-140n, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, as amended by this act, section 14-227g, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, subsection (d) of section 15-133 or section 15-140n, (B) such person has not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, a violation of subdivision (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, [or] a violation of section 14-227g, a violation of section 1 of this act or a violation of subdivision (1) or (2) of subsection (a) of section 2 of this act, (C) such person has not been convicted of a violation of section 15-132a, subsection (d) of section 15-133, section 15-140l or section 15-140n, (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b, 53a-60d, 15-132a, 15-140l or 15-140n, [or] subdivision (1) or (2) of subsection (a) of section 14-227a, [or] subsection (d) of section 15-133, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, and (E) notice has been given by such person, by registered or certified mail on a form

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prescribed by the Office of the Chief Court Administrator, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application.

(2) The court shall provide each such victim who sustained a serious physical injury an opportunity to be heard prior to granting an application under this section. Unless good cause is shown, a person shall be ineligible for participation in such pretrial alcohol education program if such person's alleged violation of section 14-227a, as amended by this act, or 14-227g, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or subsection (d) of section 15-133 caused the serious physical injury, as defined in section 53a-3, of another person.

(3) The application fee imposed under this subsection shall be credited to the Criminal Injuries Compensation Fund established under section 54-215. The evaluation fee imposed under this subsection shall be credited to the pretrial account established under section 54-56k.

Sec. 5. Subsection (h) of section 54-56g of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(h) The provisions of this section shall not be applicable in the case of any person charged with a violation of section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act (1) while operating a commercial motor vehicle, as defined in section 14-1, as amended by this act, or (2) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation.

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Sec. 6. Subdivision (79) of section 14-1 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(79) "Second" violation or "subsequent" violation means an offense committed not more than three years after the date of an arrest which resulted in a previous conviction for a violation of the same statutory provision, except in the case of a violation of section 14-215, as amended by this act, [or] 14-224 or [subsection (a) of section] 14-227a, as amended by this act, or section 1 of this act, "second" violation or "subsequent" violation means an offense committed not more than ten years after the date of an arrest which resulted in a previous conviction for a violation of the same statutory provision;

Sec. 7. Subsection (g) of section 14-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) The commissioner may place a restriction on the motor vehicle operator's license of any person or on any special operator's permit issued to any person in accordance with the provisions of section 14-37a, as amended by this act, that restricts the holder of such license or permit to the operation of a motor vehicle that is equipped with an approved ignition interlock device, as defined in section 14-227j, as amended by this act, for such time as the commissioner shall prescribe, if such person has: (1) Been convicted for a first or second time of a violation of subdivision (2) of subsection (a) of section 14-227a, and has served not less than forty-five days of the prescribed period of suspension for such conviction, in accordance with the provisions of subsections (g) and (i) of section 14-227a, as amended by this act; (2) been ordered by the Superior Court not to operate any motor vehicle unless it is equipped with an approved ignition interlock device, in accordance with the provisions of section 14-227j, as amended by this act; (3) been granted a reversal or reduction of such person's license

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suspension or revocation, in accordance with the provisions of subsection (i) of section 14-111, as amended by this act; (4) been issued a motor vehicle operator's license upon the surrender of an operator's license issued by another state and such previously held license contains a restriction to the operation of a motor vehicle equipped with an ignition interlock device; (5) been convicted of a violation of section 53a-56b or 53a-60d; (6) been permitted by the commissioner to be issued or to retain an operator's license subject to reporting requirements concerning such person's physical condition, in accordance with the provisions of subsection (e) of this section and sections 14-45a to 14-46g, inclusive; [or] (7) had such person's operator's license suspended under subsection (i) of section 14-227b, as amended by this act, and has served not less than forty-five days of the prescribed period of such suspension; (8) been convicted for a first or second time of a violation of subsection (a) of section 1 of this act and has served not less than forty-five days of the prescribed period of suspension for such conviction, in accordance with the provisions of subsection (c) of section 1 of this act and subsection (i) of section 14-227a; or (9) been convicted of a violation of subdivision (1) or (2) of subsection (a) of section 2 of this act and has served not less than forty-five days of the prescribed period of suspension for such conviction, in accordance with the provisions of subsection (c) of section 2 of this act and subsection (i) of section 14-227a.

Sec. 8. Subsection (b) of section 14-36i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) If any person operating a motor vehicle, subject to the provisions of section 14-36g, as amended by this act, is stopped by a police officer and arrested or issued a summons by such officer for a violation of subdivision (4) of subsection (a) of section 14-219, section 14-227a, as amended by this act, or 14-227g, subsection (c) of section 14-224, [or]

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section 14-222, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, the motor vehicle operator's license of such person shall be suspended for a period of forty-eight hours commencing on the date and time such person is arrested or such summons is issued, and such officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately seize and take possession of such person's motor vehicle operator's license and cause such motor vehicle to be removed. In order to regain possession of such person's operator's license after such forty-eight-hour period, such person and, unless such person is emancipated in accordance with the provisions of section 46b-150b, such person's parent or legal guardian shall appear in person at the police department, state police barracks or other location designated by the police officer, and sign a written acknowledgement of the return of such license. No restoration fee shall be required to be paid to the commissioner, in accordance with the provisions of section 14-50b, but the police officer shall make a written report of the violation and the suspension action, in such form and containing such information as the commissioner shall prescribe, and shall file or transmit such report to the commissioner in such time and manner as the commissioner shall prescribe.

Sec. 9. Subsection (b) of section 14-37a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) The commissioner may, in the commissioner's discretion upon a showing of significant hardship, grant each such application that is submitted in proper form and contains such information and attestation by the applicant as the commissioner may require. With respect to an application for an education permit, an applicant shall also be required to submit a schedule of the time and location of all classes or other required educational activities attended by such applicant. Such schedule shall be attested to by the registrar of such

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educational institution. In determining whether to grant such application, the commissioner may also consider the driving record of the applicant and shall ascertain that the suspension is a final order that is not under appeal pursuant to section 4-183. A special operator's permit shall not be issued pursuant to this section to any person for the operation of a motor vehicle for which a public passenger endorsement, as defined in section 14-1, as amended by this act, or commercial driver's license is required or to any person whose operator's license has been suspended previously pursuant to section 14-227a, as amended by this act, or 14-227b, as amended by this act, or section 1 or 2 of this act. A person shall not be ineligible to be issued a special operator's permit under this section solely on the basis of being convicted of two violations of section 14-227a, as amended by this act, unless such second conviction is for a violation committed after a prior conviction.

Sec. 10. Subsection (b) of section 14-44 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) No operator's license bearing a public passenger endorsement shall be issued or renewed in accordance with the provisions of this section or section 14-36a, until the Commissioner of Motor Vehicles, or the commissioner's authorized representative, is satisfied that the applicant is a proper person to receive such an operator's license bearing an endorsement, holds a valid motor vehicle operator's license, or, if necessary for the class of vehicle operated, a commercial driver's license and is at least eighteen years of age. Each applicant for an operator's license bearing a public passenger endorsement or the renewal of such a license shall furnish the Commissioner of Motor Vehicles, or the commissioner's authorized representative, with satisfactory evidence, under oath, to prove that such person has no criminal record and has not been convicted of a violation of

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[subsection (a) of] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act within five years of the date of application and that no reason exists for a refusal to grant or renew such an operator's license bearing a public passenger endorsement. Each applicant for such an operator's license bearing a public passenger endorsement shall submit with the application proof satisfactory to the Commissioner of Motor Vehicles that such applicant has passed a physical examination administered not more than ninety days prior to the date of application, and which is in compliance with safety regulations established from time to time by the United States Department of Transportation. Each applicant for renewal of such license shall present evidence that such applicant is in compliance with the medical qualifications established in 49 CFR 391, as amended, provided an applicant for a Class D operator's license bearing an endorsement described in subsection (c) of section 14-36a, shall be deemed medically qualified if such applicant (1) controls with medication, as certified by a licensed physician, a medical condition that would otherwise deem such applicant not medically qualified, and (2) would qualify for a waiver or exemption under 49 CFR 391, as amended. Each applicant for such an operator's license bearing a public passenger endorsement shall be fingerprinted before the license bearing a public passenger endorsement is issued.

Sec. 11. Subsection (b) of section 14-44k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) In addition to any other penalties provided by law, and except as provided in subsection (d) of this section, a person is disqualified from operating a commercial motor vehicle for one year if convicted of a violation of (1) operating any motor vehicle while under the influence of intoxicating liquor or drugs, or both, under section 14-227a, as amended by this act, (2) operating a commercial motor vehicle while

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having a blood alcohol concentration of four-hundredths of one per cent, or more, (3) evasion of responsibility under section 14-224, (4) using any motor vehicle in the commission of any felony, as defined in section 14-1, as amended by this act, [or] (5) operating a commercial motor vehicle while the operator's commercial driver's license is revoked, suspended or cancelled, or while the operator is disqualified from operating a commercial motor vehicle, (6) section 1 of this act, or (7) subdivision (1) or (2) of subsection (a) of section 2 of this act. In addition to any other penalties provided by law, and except as provided in subsection (d) of this section, a person is disqualified from operating a commercial motor vehicle for a period of not more than two years if convicted of one violation of causing a fatality through the negligent or reckless operation of a commercial motor vehicle, as evidenced by a conviction of a violation of section 14-222a, 53a-56b, 53a-57 or 53a-60d. The disqualification periods in this subsection shall also apply to convictions under the provisions of law of another state, of offenses deemed by the commissioner to be substantially similar to the offenses described in this subsection.

Sec. 12. Subsection (g) of section 14-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) When any person who does not hold a Connecticut operator's license is convicted or has his case nulled or is given a suspended judgment or sentence for a violation of any provision of section 14-36, as amended by this act, 14-110, 14-145, subsection (b) of section 14-147, 14-215, as amended by this act, 14-224, [subsection (a) of] section 14-227a, as amended by this act, or 14-229 or section 1 or 2 of this act, the commissioner shall not issue to him a nonresident or resident operator's license during such period as the commissioner may determine, which period shall not be less than the period provided for suspension in subsection (b) of this section or in subsection (g) of

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section 14-227a, as amended by this act, subsection (c) of section 1 of this act or subsection (c) of section 2 of this act. When any person is convicted or has his case nolleed or is given a suspended judgment or sentence for any violation of any of the provisions of section 14-12, the commissioner shall not issue registration for any motor vehicle owned by such person until thirty days after application therefor.

Sec. 13. Subsection (i) of section 14-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(i) (1) Whenever any person has been convicted of any violation of section 14-110, 14-147, 14-215, as amended by this act, 14-222 or 14-224 and such person's license has been suspended by the commissioner, such person may make application to the commissioner for the reversal or reduction of the term of such suspension. Such application shall be in writing and shall state specifically the reasons why such applicant believes that the applicant is entitled to such reversal or reduction. The commissioner shall consider each such application and the applicant's driver control record, as defined in section 14-111h, and may grant a hearing to the applicant in accordance with the provisions of chapter 54 and section 14-4a.

(2) Any person whose license has been revoked in accordance with subparagraph (C) of subdivision (3) of subsection (g) of section 14-227a, as amended by this act, or subparagraph (C) of subdivision (3) of subsection (c) of section 1 of this act may, at any time after two years from the date of such revocation, request a hearing before the commissioner, conducted in accordance with the provisions of chapter 54, and the provisions of subdivision (1) of this subsection for reversal or reduction of such revocation. The commissioner shall require such person to provide evidence that any reversal or reduction of such revocation shall not endanger the public safety or welfare. Such evidence shall include, but not be limited to, proof that such person

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has successfully completed an alcohol education and treatment program, and proof that such person has not been convicted of any offense related to alcohol, controlled substances or drugs during the preceding two years. The commissioner shall require any person, as a condition of granting such reversal or reduction, to install and maintain an approved ignition interlock device, in accordance with the provisions of subsection (i) of section 14-227a. The approved ignition interlock device shall be installed and maintained for any period during the lifetime of such person in which such person owns or operates a motor vehicle, except that such person may, at any time after fifteen years from the date the commissioner grants such reversal or reduction, request a hearing before the commissioner, conducted in accordance with the provisions of chapter 54, to remove such ignition interlock device. The commissioner may authorize the removal of such ignition interlock device, for good cause shown, after such fifteen-year period and such hearing. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to establish standards to implement the provisions of this section.

Sec. 14. Subsection (a) of section 14-111g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) For the purposes of this subsection, "moving violation" means any violation of subsection (c) of section 14-36 or section 14-36g, 14-212d, 14-218a, 14-219, 14-222, 14-223, 14-230 to 14-249, inclusive, 14-279, 14-283, 14-289b, 14-296aa, 14-299, 14-300, 14-301, 14-302 or 14-303, and "suspension violation" means a violation of section 14-222a or 14-224, [subsection (a) of] section 14-227a, as amended by this act, section 1 or 2 of this act or section 53a-56b, 53a-57 or 53a-60d. The Commissioner of Motor Vehicles may require any motor vehicle operator who is twenty-four years of age or less, who has been convicted of a moving violation or a suspension violation, or both,

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committed on two or more occasions to attend a motor vehicle operator's retraining program. The commissioner may require any motor vehicle operator over twenty-four years of age, who has been convicted of a moving violation or a suspension violation or a combination of said violations, committed on three or more occasions to attend a motor vehicle operator's retraining program. The commissioner shall require any motor vehicle operator convicted of traveling more than seventy-five miles per hour or any person operating a commercial motor vehicle convicted of traveling more than sixty-five miles per hour in a highway work zone, as defined in section 14-212d, to attend a motor vehicle operator's retraining program. The commissioner shall notify such operator, in writing, of such requirement. A fee of not more than sixty dollars shall be charged for the retraining program. The commissioner, after notice and opportunity for hearing, may suspend the motor vehicle operator's license of any such operator who fails to attend or successfully complete the program until the operator successfully completes the program. The hearing shall be limited to any claim of impossibility of the operator to attend the retraining program, or to a determination of mistake or misidentification.

Sec. 15. Subsection (a) of section 14-212a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The Superior Court shall impose an additional fee equivalent to one hundred per cent of the fine established or imposed for the violation of the provisions of section 14-213, 14-213b, 14-214, 14-215, as amended by this act, 14-216, 14-218a, 14-219, 14-220, 14-221, 14-222, 14-222a, 14-223, 14-224, 14-225, 14-227a, as amended by this act, 14-230, 14-230a, 14-231, 14-232, 14-233, 14-235, 14-236, 14-237, 14-238, 14-238a, 14-239, 14-240, 14-240a, 14-241, 14-242, 14-243, 14-244, 14-245, 14-246a, 14-247, 14-247a, 14-248a, 14-249, 14-250, 14-250a, 14-257, 14-261, 14-266,

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14-271, 14-273, 14-279, 14-281a, subsection (e) or (h) of section 14-283, section 14-289a, 14-289b or 14-296aa or section 1 or 2 of this act for any such violation committed (1) while construction work is ongoing within a highway construction zone designated in a conspicuous manner by the Department of Transportation, (2) while construction work is ongoing within a municipal road construction zone designated in a conspicuous manner by such municipality, (3) while utility work is ongoing within a utility work zone designated in a conspicuous manner by a public service company, as defined in section 16-1, or by a water company, as defined in section 25-32a, (4) while activities are ongoing in a traffic incident management zone, or (5) while a uniformed firefighter is directing traffic within a fire station work zone designated in a conspicuous manner by a municipality.

Sec. 16. Subsection (c) of section 14-215 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(c) (1) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or section 53a-56b or 53a-60d or pursuant to section 14-227b, as amended by this act, or in violation of a restriction or limitation placed on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, as amended by this act, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than one year, and, in the absence of any mitigating circumstances as determined by the court, thirty consecutive days of the sentence imposed may not be suspended or

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reduced in any manner.

(2) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a second violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or section 53a-56b or 53a-60d or for the second time pursuant to section 14-227b, as amended by this act, or in violation of a restriction or limitation placed for the second time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, as amended by this act, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than two years, and, in the absence of any mitigating circumstances as determined by the court, one hundred twenty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(3) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a third or subsequent violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or section 53a-56b or 53a-60d or for the third or subsequent time pursuant to section 14-227b, as amended by this act, or in violation of a restriction placed for the third or subsequent time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, as amended by this act, shall be fined not less than five hundred dollars or more than one thousand

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dollars and imprisoned not more than three years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced in any manner.

(4) The court shall specifically state in writing for the record the mitigating circumstances, or the absence thereof.

Sec. 17. Section 14-227b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to a chemical analysis of such person's blood, breath or urine and, if such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent.

(b) If any such person, having been placed under arrest for [operating a motor vehicle while under the influence of intoxicating liquor or any drug or both] a violation of section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, and thereafter, after being apprised of such person's constitutional rights, having been requested to submit to a blood, breath or urine test at the option of the police officer, having been afforded a reasonable opportunity to telephone an attorney prior to the performance of such test and having been informed that such person's license or nonresident operating privilege may be suspended in accordance with the provisions of this section if such person refuses to submit to such test, or if such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content, and that evidence of any such refusal shall be admissible in accordance with subsection (e) of section 14-227a and may be used against such person in any criminal prosecution, refuses to submit to the designated test, the test shall not be given; provided, if

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the person refuses or is unable to submit to a blood test, the police officer shall designate the breath or urine test as the test to be taken. The police officer shall make a notation upon the records of the police department that such officer informed the person that such person's license or nonresident operating privilege may be suspended if such person refused to submit to such test or if such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content.

(c) If the person arrested refuses to submit to such test or analysis or submits to such test or analysis, commenced within two hours of the time of operation, and the results of such test or analysis indicate that such person has an elevated blood alcohol content, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is a nonresident, suspend the nonresident operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test or analysis to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or analysis, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act and shall state that such person had refused to submit to such test or analysis when requested by such police officer to do so or that such person submitted to such test or analysis, commenced within two hours of the

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time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections 1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

(d) If the person arrested submits to a blood or urine test at the request of the police officer, and the specimen requires laboratory analysis in order to obtain the test results, the police officer shall not take possession of the motor vehicle operator's license of such person or, except as provided in this subsection, follow the procedures subsequent to taking possession of the operator's license as set forth in subsection (c) of this section. If the test results indicate that such person has an elevated blood alcohol content, the police officer, immediately upon receipt of the test results, shall notify the Commissioner of Motor Vehicles and submit to the commissioner the written report required pursuant to subsection (c) of this section.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of such report, the Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of a date certain, which date shall be not later than thirty days after the date such person received notice of such person's arrest by the police officer. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the

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suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) If the person arrested (A) is involved in an accident resulting in a fatality, or (B) has previously had such person's operator's license or nonresident operating privilege suspended under the provisions of section 14-227a, as amended by this act, or section 1 or 2 of this act during the ten-year period preceding the present arrest, upon receipt of such report, the Commissioner of Motor Vehicles may suspend any operator's license or nonresident operating privilege of such person effective as of the date specified in a notice of such suspension to such person. Any person whose operator's license or nonresident operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or nonresident operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed or such operator's license or nonresident operating privilege is reinstated in accordance with subsections (f) and (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the

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suspension notice for the appropriate period specified in subsection (i) of this section.

(g) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or nonresident operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person or the hearing officer and upon a showing of good cause, the commissioner may grant one or more continuances. The hearing shall be limited to a determination of the following issues: (1) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug or both; (2) was such person placed under arrest; (3) did such person refuse to submit to such test or analysis or did such person submit to such test or analysis, commenced within two hours of the time of operation, and the results of such test or analysis indicated that such person had an elevated blood alcohol content; and (4) was such person operating the motor vehicle. In the hearing, the results of the test or analysis shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(h) If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall reinstate such

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license or operating privilege. If, after such hearing, the commissioner does not find on any one of the said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail to such person. The notice of such decision sent by bulk certified mail to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or nonresident operating privilege is reinstated or suspended, as the case may be.

(i) (1) The commissioner shall suspend the operator's license or nonresident operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing, or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. As a condition for the restoration of such operator's license or nonresident operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, as amended by this act, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a, as amended by this act, or subdivision (1), (2) or (3) of subsection (c) of section 1 of this act or subdivision (1) or (2) of subsection (c) of section 2 of this act for the present arrest and conviction, if any.

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(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test or analysis and the results of such test or analysis indicated that such person had an elevated blood alcohol content shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or analysis shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or nonresident operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a, as amended by this act, or subsection (c) of section 1 of this act shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111, as amended by this act.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a chemical analysis of a blood sample taken from or a urine sample provided by an operator of a motor vehicle involved in an accident who suffered or allegedly suffered physical injury in such accident, or

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is otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the Commissioner of Motor Vehicles and submit to the commissioner a written report if such results indicate that such person had an elevated blood alcohol content, and if such person was arrested for violation of section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act in connection with such accident. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes, and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or nonresident operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as

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provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subdivision (5) of subsection (b) of section 14-227a.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a municipal police department, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, "elevated blood alcohol content" means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

Sec. 18. Section 14-227e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) As used in this section, [and] subsection (g) of section 14-227a, as amended by this act, subsection (c) of section 1 of this act and subsection (c) of section 2 of this act:

[(a)] (1) "Community service" means the placement of defendants in

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unpaid positions with nonprofit or tax-supported agencies for the performance of a specified number of hours of work or service within a given period of time.

(2) "Community service plan" means an agreement between the court and the defendant which specifies (A) the number of required community service hours, (B) the type of agency for placement, (C) the period of time in which the community service will be completed, (D) the tentative schedule, (E) a brief description of the responsibilities, (F) conditions and sanctions for failure to fulfill the plan, and (G) the supervisor of the plan.

(b) In sentencing a defendant to perform community service, the court shall fix the conditions and terms of such sentence and shall review the community service plan and, upon approval, sentence such defendant in accordance with such plan. No sentence of community service shall be imposed without the consent of the defendant.

(c) Any organization administering sentences of community service shall prepare and file with the court a copy of all community service plans and shall notify the court when a defendant has successfully completed such plan.

(d) Any organization administering sentences of community service shall prepare a written statement outlining noncompliance by a defendant and shall without unnecessary delay notify the state's attorney for that judicial district requesting that a hearing be held to determine whether the sentence of community service should be revoked.

(e) The court may at any time, for good cause shown, terminate the sentence of community service or modify or enlarge the terms or conditions or require the defendant to serve the original incarcerative sentence for violation of any of the conditions of the sentence of

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community service.

Sec. 19. Section 14-227h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Any police officer who arrests a person for a violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation shall cause the motor vehicle such person was operating at the time of the offense to be impounded for a period of forty-eight hours after such arrest. The owner of such motor vehicle may reclaim such motor vehicle after the expiration of such forty-eight-hour period upon payment of all towing and storage costs.

Sec. 20. Section 14-227i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding any provision of the general statutes, the investigating police department shall maintain any record of a defendant concerning the operation of a motor vehicle by such defendant while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs for a period of not less than two years from the date such defendant was charged with a violation of section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act.

(b) (1) Notwithstanding any other provision of the general statutes, by making a written request to the investigating police department, a person injured in an accident caused by the alleged violation of section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act by any such defendant, any party to a civil claim or proceeding arising out of such accident, or

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the legal representative of any such person or party may review and obtain regular or certified copies of any record concerning the operation of a motor vehicle by such defendant while under the influence of, or impaired by the consumption of, intoxicating liquor or drugs.

(2) The investigating police department shall furnish regular or certified copies of any such record to any person or the legal representative of such person, or to such party, not later than fifteen days following receipt of such request. The investigating police department shall charge a fee for such copies that shall not exceed the cost to such police department for providing such copies, but not more than fifty cents per page in accordance with section 1-212.

Sec. 21. Section 14-227j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) For the purposes of this section and section 14-227k: "Ignition interlock device" means a device installed in a motor vehicle that measures the blood alcohol content of the operator and disallows the mechanical operation of such motor vehicle until the blood alcohol content of such operator is less than twenty-five thousandths of one per cent.

(b) Any person who has been arrested for a violation of [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, section 53a-56b [,] or section 53a-60d, may be ordered by the court not to operate any motor vehicle unless such motor vehicle is equipped with an ignition interlock device. Any such order may be made as a condition of such person's release on bail, as a condition of probation or as a condition of granting such person's application for participation in the pretrial alcohol education program under section 54-56g, as amended by this act, and may include any other terms and conditions

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as to duration, use, proof of installation or any other matter that the court determines to be appropriate or necessary.

(c) All costs of installing and maintaining an ignition interlock device shall be borne by the person who is the subject of an order made pursuant to subsection (b) of this section.

(d) No ignition interlock device shall be installed pursuant to an order of the court under subsection (b) of this section unless such device has been approved under the regulations adopted by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a.

(e) No provision of this section shall be construed to authorize the operation of a motor vehicle by any person whose motor vehicle operator's license has been refused, suspended or revoked, or who does not hold a valid motor vehicle operator's license. A court shall inform the Commissioner of Motor Vehicles of each order made by it pursuant to subsection (b) of this section. If any person who has been ordered not to operate a motor vehicle unless such motor vehicle is equipped with an ignition interlock device is the holder of a special operator's permit issued by the commissioner under the provisions of section 14-37a, as amended by this act, strict compliance with the terms of the order shall be deemed a condition to hold such permit, and any failure to comply with such order shall be sufficient cause for immediate revocation of the permit by the commissioner.

Sec. 22. Section 14-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

In any civil action to recover damages resulting from personal injury, wrongful death or damage to property, the trier of fact may award double or treble damages if the injured party has specifically pleaded that another party has deliberately or with reckless disregard

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operated a motor vehicle in violation of section 14-218a, 14-219, 14-222, 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, 14-230, 14-234, 14-237, 14-239 or 14-240a, and that such violation was a substantial factor in causing such injury, death or damage to property. The owner of a rental or leased motor vehicle shall not be responsible for such damages unless the damages arose from such owner's operation of the motor vehicle.

Sec. 23. Section 14-295a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

An assessment of five dollars shall be imposed against any person who is convicted of a violation of section 14-219, 14-222 or 14-227a, as amended by this act, or section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act or who pleads nolo contendere to a violation of section 14-219 and pays the fine by mail. Such assessment shall be in addition to any fee, cost or surcharge imposed pursuant to any other provision of the general statutes. All assessments collected pursuant to this section shall be deposited in the General Fund and credited to the brain injury prevention and services account established under section 14-295b.

Sec. 24. Subsection (a) of section 17a-696 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The provisions of this section shall not apply to any person charged with a violation of section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act or section 53a-60d or with a class A, B or C felony or to any person who was twice previously ordered treated under this section, subsection (i) of section 17-155y, section 19a-386 or section 21a-284 of the general statutes revised to 1989, or any combination thereof. The

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

Sec. 25. Subsection (a) of section 18-100h of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Notwithstanding any provision of the general statutes, whenever a person is sentenced to a term of imprisonment pursuant to subsection (g) of section 14-227a, as amended by this act, subdivision (1) of subsection (c) of section 1 of this act or section 14-215, as amended by this act, and committed by the court to the custody of the Commissioner of Correction, the commissioner may, after admission and a risk and needs assessment of such person, release such person to such person's residence subject to the condition that such person not leave such residence unless otherwise authorized. Based upon the assessment of such person, the commissioner may require such person to be subject to electronic monitoring, which may include the use of a global positioning system and continuous monitoring for alcohol consumption, and to any other conditions the commissioner deems appropriate. Any person released pursuant to this subsection shall remain in the custody of the commissioner and shall be supervised by employees of the department during the period of such release. Upon the violation by such person of any condition of such release, the commissioner may revoke such release and return such person to confinement in a correctional facility. The commissioner shall establish an advisory committee for the purpose of developing a protocol for the training of correctional staff assigned to the assessment and supervision of offenders eligible for release pursuant to this subsection, evaluation of outcomes of participation in such release, the establishment of victim impact panels and the provision of treatment to such participants. For purposes of this subsection, "continuous monitoring for alcohol consumption" means automatically testing

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breath, blood or transdermal alcohol concentration levels and tamper attempts at least once every hour regardless of the location of the person being monitored.

Sec. 26. Subsection (c) of section 38a-806 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(c) Each policy in force under a mass marketing plan on or before October 1, 1999, shall be eligible for issue on a guaranteed issue basis for one year after October 1, 1999, except if the applicant has been convicted of violating any provision of subsection (d) of section 14-12, section 14-43, 14-222 or 14-222a, or subsection (a) or subdivision (1) of subsection (b) of section 14-224, [or] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act within three years of the applicant's application, or convicted within three years of the applicant's application of operating a motor vehicle while the applicant's operator's license was suspended or revoked.

Sec. 27. Subsection (f) of section 46b-127 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(f) Upon the motion of any party or upon the court's own motion, the case of any youth age sixteen or seventeen, except a case that has been transferred to the regular criminal docket of the Superior Court pursuant to subsection (a) or (b) of this section, which is pending on the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters, where the youth is charged with committing any offense or violation for which a term of imprisonment may be imposed, other than a violation of section 14-227a, as amended by this act, or 14-227g, section 1 of this act or subdivision (1) or (2) of

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subsection (a) of section 2 of this act may, before trial or before the entry of a guilty plea, be transferred to the docket for juvenile matters if (1) the youth is alleged to have committed such offense or violation on or after January 1, 2010, while sixteen years of age, or is alleged to have committed such offense or violation on or after July 1, 2012, while seventeen years of age, and (2) after a hearing considering the facts and circumstances of the case and the prior history of the youth, the court determines that the programs and services available pursuant to a proceeding in the superior court for juvenile matters would more appropriately address the needs of the youth and that the youth and the community would be better served by treating the youth as a delinquent. Upon ordering such transfer, the court shall vacate any pleas entered in the matter and advise the youth of the youth's rights, and the youth shall (A) enter pleas on the docket for juvenile matters in the jurisdiction where the youth resides, and (B) be subject to prosecution as a delinquent child. The decision of the court concerning the transfer of a youth's case from the youthful offender docket, regular criminal docket of the Superior Court or any docket for the presentment of defendants in motor vehicle matters shall not be a final judgment for purposes of appeal.

Sec. 28. Subsections (c) and (d) of section 51-56a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(c) For the purpose of providing additional funds for municipal and state police training, each person who pays in any sum as (1) a fine or forfeiture for any violation of section 14-12, 14-215, as amended by this act, 14-219, 14-222, 14-224, 14-225, 14-227a, as amended by this act, 14-266, 14-267a, 14-269 or 14-283 or section 1 or 2 of this act, or (2) a fine or forfeiture for any infraction, shall pay an additional fee of one dollar for each eight dollars or fraction thereof of the amount such person is required to pay, except if such payment is made for violation of such a

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section which is deemed to be an infraction, such additional fee shall be only on the first eighty-eight dollars of such fine or forfeiture. Such additional fee charged shall be deposited in the General Fund.

(d) Each person who pays in any sum as a fine or forfeiture for any violation of sections 14-218a, 14-219, 14-222, 14-223, 14-227a, as amended by this act, sections 14-230 to 14-240, inclusive, sections 14-241 to 14-249, inclusive, section 14-279 for the first offense, sections 14-289b, 14-299, 14-301 to 14-303, inclusive, or section 1 or 2 of this act or any regulation adopted under said sections or ordinance enacted in accordance with said sections shall pay an additional fee of fifteen dollars. The state shall remit to the municipalities in which the violations occurred the amounts paid under this subsection. Each clerk of the Superior Court or the Chief Court Administrator, or any other official of the Superior Court designated by the Chief Court Administrator, on or before the thirtieth day of January, April, July and October in each year, shall certify to the Comptroller the amount due for the previous quarter under this subsection to each municipality served by the office of the clerk or official.

Sec. 29. Subsection (a) of section 51-193u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Cases involving motor vehicle violations, excluding alleged violations of sections 14-215, as amended by this act, 14-222, 14-222a, 14-224 and 14-227a, as amended by this act, and sections 1 and 2 of this act and any other motor vehicle violation involving a possible term of imprisonment, or any violation, as defined in section 53a-27, which are scheduled for the entering of a plea may be handled by a magistrate.

Sec. 30. Section 53a-40f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

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(a) A persistent operating while under the influence felony offender is a person who (1) stands convicted of a violation of section 53a-56b or 53a-60d and (2) has, prior to the commission of the present crime and within the preceding ten years, been convicted of a violation of section 53a-56b, [or] 53a-60d or [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act or been convicted in any other state of an offense the essential elements of which are substantially the same as section 53a-56b, [or] 53a-60d or [subsection (a) of] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act.

(b) When any person has been found to be a persistent operating while under the influence felony offender, the court, in lieu of imposing the sentence authorized by section 53a-35a for the crime of which such person presently stands convicted, may impose the sentence of imprisonment authorized by said section for the next more serious degree of felony.

Sec. 31. Subsection (h) of section 54-56d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(h) (1) If, at the hearing, the court finds that there is a substantial probability that the defendant, if provided with a course of treatment, will regain competency within the period of any placement order under this section, the court shall either (A) order placement of the defendant for treatment for the purpose of rendering the defendant competent, or (B) order placement of the defendant at a treatment facility pending civil commitment proceedings pursuant to subdivision (2) of this subsection.

(2) (A) Except as provided in subparagraph (B) of this subdivision, if the court makes a finding pursuant to subdivision (1) of this subsection

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and does not order placement pursuant to subparagraph (A) of said subdivision, the court shall, on its own motion or on motion of the state or the defendant, order placement of the defendant in the custody of the Commissioner of Mental Health and Addiction Services at a treatment facility pending civil commitment proceedings. The treatment facility shall be determined by the Commissioner of Mental Health and Addiction Services. Such order shall: (i) Include an authorization for the Commissioner of Mental Health and Addiction Services to apply for civil commitment of such defendant pursuant to sections 17a-495 to 17a-528, inclusive; (ii) permit the defendant to agree to request voluntarily to be admitted under section 17a-506 and participate voluntarily in a treatment plan prepared by the Commissioner of Mental Health and Addiction Services, and require that the defendant comply with such treatment plan; and (iii) provide that if the application for civil commitment is denied or not pursued by the Commissioner of Mental Health and Addiction Services, or if the defendant is unwilling or unable to comply with a treatment plan despite reasonable efforts of the treatment facility to encourage the defendant's compliance, the person in charge of the treatment facility, or such person's designee, shall submit a written progress report to the court and the defendant shall be returned to the court for a hearing pursuant to subsection (k) of this section. Such written progress report shall include the status of any civil commitment proceedings concerning the defendant, the defendant's compliance with the treatment plan, an opinion regarding the defendant's current competency to stand trial, the clinical findings of the person submitting the report and the facts upon which the findings are based, and any other information concerning the defendant requested by the court, including, but not limited to, the method of treatment or the type, dosage and effect of any medication the defendant is receiving. The Court Support Services Division shall monitor the defendant's compliance with any applicable provisions of such order. The period of placement and monitoring under such order shall not exceed the

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period of the maximum sentence which the defendant could receive on conviction of the charges against such defendant, or eighteen months, whichever is less. If the defendant has complied with such treatment plan and any applicable provisions of such order, at the end of the period of placement and monitoring, the court shall approve the entry of a nolle prosequi to the charges against the defendant or shall dismiss such charges.

(B) This subdivision shall not apply: (i) To any person charged with a class A felony, a class B felony, except a violation of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, subdivision (2) of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b; (ii) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person; or (iii) unless good cause is shown, to any person charged with a class C felony.

Sec. 32. Section 54-56e of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) There shall be a pretrial program for accelerated rehabilitation of persons accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. Upon application by any such person for participation in the program, the court shall, but only as to the public, order the court file sealed.

(b) The court may, in its discretion, invoke such program on motion of the defendant or on motion of a state's attorney or prosecuting

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attorney with respect to a defendant (1) who, the court believes, will probably not offend in the future, (2) who has no previous record of conviction of a crime or of a violation of section 14-196, subsection (c) of section 14-215, as amended by this act, section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, [or] section 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, and (3) who states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under the penalties of perjury, (A) that the defendant has never had such program invoked on the defendant's behalf or that the defendant was charged with a misdemeanor or a motor vehicle violation for which a term of imprisonment of one year or less may be imposed and ten or more years have passed since the date that any charge or charges for which the program was invoked on the defendant's behalf were dismissed by the court, or (B) with respect to a defendant who is a veteran, that the defendant has not had such program invoked in the defendant's behalf more than once previously, provided the defendant shall agree thereto and provided notice has been given by the defendant, on a form prescribed by the Office of the Chief Court Administrator, to the victim or victims of such crime or motor vehicle violation, if any, by registered or certified mail and such victim or victims have an opportunity to be heard thereon. Any defendant who makes application for participation in such program shall pay to the court an application fee of thirty-five dollars. No defendant shall be allowed to participate in the pretrial program for accelerated rehabilitation more than two times. For the purposes of this section, "veteran" means any person who was discharged or released under conditions other than dishonorable from active service in the armed forces as defined in section 27-103.

(c) This section shall not be applicable: (1) To any person charged with (A) a class A felony, (B) a class B felony, except a violation of

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subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person, or a violation of subdivision (4) of subsection (a) of section 53a-122 that does not involve the use, attempted use or threatened use of physical force against another person and does not involve a violation by a person who is a public official, as defined in section 1-110, or a state or municipal employee, as defined in section 1-110, or (C) a violation of section 14-227a, as amended by this act, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, subdivision (2) of subsection (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, except as provided in subdivision (5) of this subsection, 53a-72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged with a crime or motor vehicle violation who, as a result of the commission of such crime or motor vehicle violation, causes the death of another person, (3) to any person accused of a family violence crime as defined in section 46b-38a who (A) is eligible for the pretrial family violence education program established under section 46b-38c, or (B) has previously had the pretrial family violence education program invoked in such person's behalf, (4) to any person charged with a violation of section 21a-267 or 21a-279 who (A) is eligible for the pretrial drug education and community service program established under section 54-56i, or (B) has previously had the pretrial drug education program or the pretrial drug education and community service program invoked on such person's behalf, (5) unless good cause is shown, to (A) any person charged with a class C felony, or (B) any person charged with committing a violation of subdivision (1) of subsection (a) of section 53a-71 while such person was less than four years older than the other person, (6) to any person charged with a violation of section 9-359 or 9-359a, (7) to any person charged with a motor vehicle violation (A) while operating a commercial motor vehicle, as defined in section 14-1, as amended by this act, or (B) who holds a commercial driver's license or commercial driver's instruction permit at the time of the violation,

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(8) any person charged with a violation of subdivision (6) of subsection (a) of section 53a-60, or (9) a health care provider or vendor participating in the state's Medicaid program charged with a violation of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

(d) Except as provided in subsection (e) of this section, any defendant who enters such program shall pay to the court a participation fee of one hundred dollars. Any defendant who enters such program shall agree to the tolling of any statute of limitations with respect to such crime and to a waiver of the right to a speedy trial. Any such defendant shall appear in court and shall, under such conditions as the court shall order, be released to the custody of the Court Support Services Division, except that, if a criminal docket for drug-dependent persons has been established pursuant to section 51-181b in the judicial district, such defendant may be transferred, under such conditions as the court shall order, to the court handling such docket for supervision by such court. If the defendant refuses to accept, or, having accepted, violates such conditions, the defendant's case shall be brought to trial. The period of such probation or supervision, or both, shall not exceed two years. If the defendant has reached the age of sixteen years but has not reached the age of eighteen years, the court may order that as a condition of such probation the defendant be referred for services to a youth service bureau established pursuant to section 10-19m, provided the court finds, through an assessment by a youth service bureau or its designee, that the defendant is in need of and likely to benefit from such services. When determining any conditions of probation to order for a person entering such program who was charged with a misdemeanor that did not involve the use, attempted use or threatened use of physical force against another person or a motor vehicle violation, the court shall consider ordering the person to perform community service in the community in which the offense or violation occurred. If the court

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determines that community service is appropriate, such community service may be implemented by a community court established in accordance with section 51-181c if the offense or violation occurred within the jurisdiction of a community court established by said section. If the defendant is charged with a violation of section 46a-58, 53-37a, 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of such probation the defendant participate in a hate crimes diversion program as provided in subsection (e) of this section. If a defendant is charged with a violation of section 53-247, the court may order that as a condition of such probation the defendant undergo psychiatric or psychological counseling or participate in an animal cruelty prevention and education program provided such a program exists and is available to the defendant.

(e) If the court orders the defendant to participate in a hate crimes diversion program as a condition of probation, the defendant shall pay to the court a participation fee of four hundred twenty-five dollars. No person may be excluded from such program for inability to pay such fee, provided (1) such person files with the court an affidavit of indigency or inability to pay, (2) such indigency or inability to pay is confirmed by the Court Support Services Division, and (3) the court enters a finding thereof. The Judicial Department shall contract with service providers, develop standards and oversee appropriate hate crimes diversion programs to meet the requirements of this section. Any defendant whose employment or residence makes it unreasonable to attend a hate crimes diversion program in this state may attend a program in another state which has standards substantially similar to, or higher than, those of this state, subject to the approval of the court and payment of the application and program fees as provided in this section. The hate crimes diversion program shall consist of an educational program and supervised community service.

(f) If a defendant released to the custody of the Court Support

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Services Division satisfactorily completes such defendant's period of probation, such defendant may apply for dismissal of the charges against such defendant and the court, on finding such satisfactory completion, shall dismiss such charges. If the defendant does not apply for dismissal of the charges against such defendant after satisfactorily completing such defendant's period of probation, the court, upon receipt of a report submitted by the Court Support Services Division that the defendant satisfactorily completed such defendant's period of probation, may on its own motion make a finding of such satisfactory completion and dismiss such charges. If a defendant transferred to the court handling the criminal docket for drug-dependent persons satisfactorily completes such defendant's period of supervision, the court shall release the defendant to the custody of the Court Support Services Division under such conditions as the court shall order or shall dismiss such charges. Upon dismissal, all records of such charges shall be erased pursuant to section 54-142a. An order of the court denying a motion to dismiss the charges against a defendant who has completed such defendant's period of probation or supervision or terminating the participation of a defendant in such program shall be a final judgment for purposes of appeal.

Sec. 33. Subsection (a) of section 54-76b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) For the purposes of sections 54-76b to 54-76n, inclusive:

(1) "Youth" means (A) a minor who has reached the age of sixteen years but has not reached the age of eighteen years at the time of the alleged offense, or (B) a child who has been transferred to the regular criminal docket of the Superior Court pursuant to section 46b-127, as amended by this act; and

(2) "Youthful offender" means a youth who (A) is charged with the

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commission of a crime which is not a class A felony or a violation of section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, as amended by this act, or 14-227g, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, and (B) has not previously been convicted of a felony in the regular criminal docket of the Superior Court or been previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120.

Sec. 34. Subsection (a) of section 54-76c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) In any case where an information or complaint has been laid charging a defendant with the commission of a crime, and where it appears that the defendant is a youth, such defendant shall be presumed to be eligible to be adjudged a youthful offender and the court having jurisdiction shall, but only as to the public, order the court file sealed, unless such defendant (1) is charged with the commission of a crime which is a class A felony or a violation of section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, as amended by this act, or 14-227g, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, or (2) has been previously convicted of a felony in the regular criminal docket of the Superior Court or been

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previously adjudged a serious juvenile offender or serious juvenile repeat offender, as defined in section 46b-120. Except as provided in subsection (b) of this section, upon motion of the prosecuting official, the court may order that an investigation be made of such defendant under section 54-76d, for the purpose of determining whether such defendant is ineligible to be adjudged a youthful offender, provided the court file shall remain sealed, but only as to the public, during such investigation.

Sec. 35. Subsection (a) of section 54-76l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The records or other information of a youth, other than a youth arrested for or charged with the commission of a crime which is a class A felony or a violation of section 14-222a, subsection (a) or subdivision (1) of subsection (b) of section 14-224, section 14-227a, as amended by this act, or 14-227g, section 1 of this act, subdivision (1) or (2) of subsection (a) of section 2 of this act, subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, except a violation involving consensual sexual intercourse or sexual contact between the youth and another person who is thirteen years of age or older but under sixteen years of age, including fingerprints, photographs and physical descriptions, shall be confidential and shall not be open to public inspection or be disclosed except as provided in this section, but such fingerprints, photographs and physical descriptions submitted to the State Police Bureau of Identification of the Division of State Police within the Department of Emergency Services and Public Protection at the time of the arrest of a person subsequently adjudged, or subsequently presumed or determined to be eligible to be adjudged, a youthful offender shall be retained as confidential matter in the files of the bureau and be opened to inspection only as provided in this section. Other data ordinarily

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received by the bureau, with regard to persons arrested for a crime, shall be forwarded to the bureau to be filed, in addition to such fingerprints, photographs and physical descriptions, and be retained in the division as confidential information, open to inspection only as provided in this section.

Sec. 36. Subsection (a) of section 54-143 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A cost of twenty dollars shall be imposed against any person convicted of a felony, and a cost of fifteen dollars shall be imposed against any person convicted of a misdemeanor or convicted under [sections] section 14-219, 14-222, 14-224, 14-225 [and] or 14-227a, as amended by this act, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act, or who pleads nolo contendere to a violation of section 14-219 and pays the fine by mail, and the taxation of costs or the collection of fees and expenses as provided by law may be imposed on appeal to the Supreme Court or Appellate Court.

Sec. 37. Subsection (b) of section 54-209 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) The Office of Victim Services or, on review, a victim compensation commissioner may also order the payment of compensation in accordance with the provisions of sections 54-201 to 54-233, inclusive, for personal injury or death that resulted from the operation of a motor vehicle by another person who was subsequently convicted with respect to such operation for a violation of subsection (a) or subdivision (1) of subsection (b) of section 14-224, [or] section 14-227a, as amended by this act, 53a-56b or 53a-60d, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act. In the absence of a conviction, the Office of Victim Services or, on review, a

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victim compensation commissioner may order payment of compensation under this section if, upon consideration of all circumstances determined to be relevant, the office or commissioner, as the case may be, reasonably concludes that another person has operated a motor vehicle in violation of subsection (a) or subdivision (1) of subsection (b) of section 14-224, [or] section 14-227a, as amended by this act, 53a-56b or 53a-60d, section 1 of this act or subdivision (1) or (2) of subsection (a) of section 2 of this act.

Approved June 9, 2016