



# Senate

General Assembly

**File No. 558**

February Session, 2016

Substitute Senate Bill No. 415

*Senate, April 7, 2016*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROHIBITING THE USE OF ACCELERATED REHABILITATION IN THE CASE OF ANIMAL ABUSE.***

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

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2 the general statutes is repealed and the following is substituted in lieu  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

4 (c) This section shall not be applicable: (1) To any person charged  
5 with (A) a class A felony, (B) a class B felony, except a violation of  
6 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
7 not involve the use, attempted use or threatened use of physical force  
8 against another person, or a violation of subdivision (4) of subsection  
9 (a) of section 53a-122 that does not involve the use, attempted use or  
10 threatened use of physical force against another person and does not  
11 involve a violation by a person who is a public official, as defined in  
12 section 1-110, or a state or municipal employee, as defined in section 1-  
13 110, or (C) a violation of section 14-227a, subdivision (2) of subsection  
14 (a) of section 53-21, section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b,

15 53a-71, except as provided in subdivision (5) of this subsection, 53a-  
 16 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged  
 17 with a crime or motor vehicle violation who, as a result of the  
 18 commission of such crime or motor vehicle violation, causes the death  
 19 of another person, (3) to any person accused of a family violence crime  
 20 as defined in section 46b-38a who (A) is eligible for the pretrial family  
 21 violence education program established under section 46b-38c, or (B)  
 22 has previously had the pretrial family violence education program  
 23 invoked in such person's behalf, (4) to any person charged with a  
 24 violation of section 21a-267 or 21a-279 who (A) is eligible for the  
 25 pretrial drug education and community service program established  
 26 under section 54-56i, or (B) has previously had the pretrial drug  
 27 education program or the pretrial drug education and community  
 28 service program invoked on such person's behalf, (5) unless good  
 29 cause is shown, to (A) any person charged with a class C felony, or (B)  
 30 any person charged with committing a violation of subdivision (1) of  
 31 subsection (a) of section 53a-71 while such person was less than four  
 32 years older than the other person, (6) to any person charged with a  
 33 violation of section 9-359 or 9-359a, (7) to any person charged with a  
 34 motor vehicle violation (A) while operating a commercial motor  
 35 vehicle, as defined in section 14-1, or (B) who holds a commercial  
 36 driver's license or commercial driver's instruction permit at the time of  
 37 the violation, (8) to any person charged with a violation of subdivision  
 38 (6) of subsection (a) of section 53a-60, [or] (9) to a health care provider  
 39 or vendor participating in the state's Medicaid program charged with a  
 40 violation of section 53a-122 or subdivision (4) of subsection (a) of  
 41 section 53a-123, or (10) to any person charged with a violation of  
 42 subsection (b) of section 53-247.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	54-56e(c)

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which makes someone charged with a specified crime ineligible for accelerated rehabilitation and the supervised diversionary program, results in a potential cost for probation or incarceration. To the extent that offenders are prosecuted instead of diverted pretrial, the bill results in potential costs for incarceration or probation supervision in the community. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

To the extent that the bill results in fewer participants in the accelerated rehabilitation program, the bill also results in potential revenue loss. Participants in accelerated rehabilitation pay a \$135 fee.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 415*****AN ACT PROHIBITING THE USE OF ACCELERATED REHABILITATION IN THE CASE OF ANIMAL ABUSE.*****SUMMARY:**

This bill makes someone charged with animal cruelty involving malicious or intentional maiming, mutilating, torturing, wounding, or killing an animal ineligible for:

1. accelerated rehabilitation or
2. the pretrial supervised diversionary program for people with psychiatric disabilities and certain veterans with mental health conditions.

By law, this animal cruelty crime is a class D felony, punishable by up to five years in prison, a fine of up to \$5,000, or both.

EFFECTIVE DATE: October 1, 2016

**BACKGROUND*****Accelerated Rehabilitation***

This program allows certain criminal defendants to avoid prosecution and incarceration. Defendants who successfully complete the program have their charges dismissed. Those who do not are brought to trial. A defendant who is a veteran can use the program twice; others can only use it a second time under certain circumstances.

Judges have discretion to allow a defendant to participate in accelerated rehabilitation. But a defendant is ineligible if he or she is charged with one of the following crimes:

1. a class A felony;

2. a class B felony (defendants charged with the class B felony of 1<sup>st</sup> degree larceny are eligible under certain circumstances);
3. driving under the influence (CGS § 14-227a);
4. 2<sup>nd</sup> degree manslaughter with a motor vehicle (CGS § 53a-56b);
5. 2<sup>nd</sup> degree assault with a motor vehicle (CGS § 53a-60d);
6. 2<sup>nd</sup> degree sexual assault, with a limited exception (CGS § 53a-71);
7. 3<sup>rd</sup> degree sexual assault (CGS § 53a-72a);
8. 3<sup>rd</sup> degree sexual assault with a firearm (CGS § 53a-72b);
9. enticing a minor (CGS § 53a-90a);
10. 2<sup>nd</sup> or 3<sup>rd</sup> degree possessing child pornography (CGS §§ 53a-196e and -196f);
11. a crime or motor vehicle violation causing another's death;
12. a family violence crime, if the person is eligible for the pretrial family violence education program or previously used that program;
13. possessing drugs or drug paraphernalia, if the person is eligible for the pretrial drug education and community service program or previously used the program or its predecessor;
14. a class C felony, unless the person can show good cause (but someone cannot participate if charged with 2<sup>nd</sup> degree larceny under certain circumstances);
15. certain absentee ballot crimes (CGS §§ 9-359 and -359a);
16. a motor vehicle violation while (a) operating a commercial vehicle or (b) holding a commercial driver's license or instruction permit; or

17. 2<sup>nd</sup> degree assault involving intentionally causing serious physical injury by rendering the victim unconscious by striking the victim in the head without provocation (CGS § 53a-60(a)(6)).

***Pretrial Supervised Diversionary Program for People with Psychiatric Disabilities and Certain Veterans***

A defendant is eligible for this program if he or she is charged with a crime that is eligible for participation in accelerated rehabilitation and he or she:

1. has a psychiatric disability, defined as a mental or emotional condition (not solely substance abuse) that has substantial adverse effects on the defendant's ability to function and requires care and treatment or
2. is a veteran with a mental health condition that is amenable to treatment, if he or she was not dishonorably discharged or released from the military.

Defendants who successfully complete this program have their charges dismissed. A defendant who does not complete the program is brought to trial. A person can use this program twice (CGS § 54-56l).

***Related Bill***

sHB 5147, File 11, increases the penalty, from a class D felony to a class C felony, for a subsequent offense of the type of animal cruelty described above. A class C felony is punishable by imprisonment of one to 10 years, a fine of up to \$10,000, or both. A class D felony is punishable by imprisonment of up to five years, a fine of up to \$5,000, or both.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 1 (03/21/2016)