



LEGISLATIVE CHANGES TO ACCELERATED REHABILITATION ELIGIBILITY, 2005-2016

By: James Orlando, Senior Legislative Attorney

ACCELERATED REHABILITATION IN CONNECTICUT

AR participants waive their right to a speedy trial and must agree to a tolling (suspension) of the statute of limitations. The court generally places them under the supervision of the Court Support Services Division for up to two years. If the defendant successfully completes the program, the court dismisses the charges and the record is erased. If the defendant violates a condition of the program, he or she is brought to trial on the original charges.

ISSUE

Summarize legislative changes to eligibility for accelerated rehabilitation from 2005 to 2016. For information on changes during the prior 15 years, see OLR Report [2005-R-0307](#).

SUMMARY

Accelerated rehabilitation (AR) is a pretrial diversionary program for people accused of crimes and motor vehicle violations that are punishable by a prison term and "not of a serious nature." The court has discretion whether to allow a defendant to use the program and the court must believe that the defendant will probably not offend in the future.

A person is ineligible if he or she:

1. was previously convicted of a crime or certain motor vehicle violations;
2. has been charged with certain drug offenses and is eligible for the pretrial drug education and community service program or has had that program invoked in his or her favor before;
3. has been charged with a family violence crime and is eligible for the pretrial family violence education program or has had that program invoked in his or her favor before; or
4. has been charged with various other crimes, such as any class A felony; most class B felonies; and class C felonies unless good cause is shown.



Generally, an individual may participate in the program only once. However, an individual may participate a second time if he or she (1) is a veteran or (2) used the program previously for a misdemeanor or motor vehicle violation that had a potential penalty of one year in prison or less and at least 10 years have passed since that charge was dismissed under the program ([CGS § 54-56e](#)).

Several acts since 2005 have made changes to AR eligibility, including (1) allowing certain individuals to participate in the program a second time, (2) adding to the list of charged crimes which make someone ineligible for the program, and (3) removing the bar on participating in certain other circumstances. Below are brief summaries of the relevant provisions of acts. Acts making only technical changes are excluded.

CHANGES TO ACCELERATED REHABILITATION ELIGIBILITY, 2005 TO 2016

1. [PA 05-235](#) made ineligible for AR someone charged with certain absentee ballot crimes.
2. [PA 11-158](#) (a) removed the bar on participation in AR for someone adjudged a youthful offender in the previous five years and (b) eliminated the court's access to the youthful offender records of someone adjudged a youthful offender more than five years ago, which prior law allowed the court to consider in determining whether to grant participation in AR.
3. [PA 12-42](#) allowed veterans to participate in AR twice.
4. [PA 13-159](#) allowed a person charged with 2nd degree sexual assault to participate in AR when (a) there is good cause for such participation and (b) the charge involves sexual intercourse with someone age 13 to 15 and the person charged is more than three but less than four years older.
5. [PA 13-271](#) made ineligible for AR anyone charged with a motor vehicle violation (a) while operating a commercial motor vehicle or (b) who held a commercial driver's license or commercial driver's instruction permit at the time the violation occurred regardless of whether he or she was driving a commercial vehicle when the violation occurred.
6. [PA 14-220](#) specifically designated as 2nd degree assault any case in which someone, without provocation, strikes a person in the head intentionally causing serious physical injury and rendering him or her unconscious. The act made anyone charged with this crime ineligible for AR.
7. [PA 14-233](#) allowed a non-veteran to use the program a second time if (a) the first time was for a crime or motor vehicle violation punishable by up to one year in prison and (b) at least 10 years have passed since the court dismissed the charges after the person successfully completed the program.

The act also prohibited participation by a state, municipal, or quasi-public official or employee charged with 1st degree larceny involving defrauding a public community of more than \$2,000. (Existing law already prohibited someone charged with 1st degree larceny from participating if the person used, attempted to use, or threatened to use force as part of the crime.)

8. [PA 15-211](#) made ineligible for AR health care providers or vendors participating in the state's Medicaid program who are charged with (a) 1st degree larceny or (b) 2nd degree larceny involving defrauding a public community of \$2,000 or less.
9. [PA 16-126](#) created specific crimes for driving under the influence (DUI) (a) with a child passenger or (b) when driving a school bus, student transportation vehicle, or other motor vehicle specially designated for carrying children (with or without a child passenger). The act made people charged with these crimes ineligible for AR. (Existing law already excluded from the program people charged with DUI.)

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