



House of Representatives

General Assembly

File No. 508

February Session, 2018

House Bill No. 5572

House of Representatives, April 16, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING 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 general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

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 or 14-227m, subdivision (1) or
14 (2) of subsection (a) of section 14-227n, subdivision (2) of subsection (a)
15 of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-70a, 53a-70b,

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	54-56e(c)

JUD *Joint Favorable*

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 19 \$	FY 20 \$
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - See Below	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 and potential revenue from fines.

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, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year. There are currently four persons incarcerated for cruelty to animals.

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

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**HB 5572*****AN ACT CONCERNING ACCELERATED REHABILITATION IN THE CASE OF ANIMAL ABUSE.*****SUMMARY**

The law prohibits people charged with a class A felony, most class B felonies, and certain other crimes from participating in accelerated rehabilitation (AR) (see BACKGROUND). This bill additionally prohibits someone charged with certain animal abuse offenses from participating in AR unless good cause is shown and based upon the prosecutor's statements in open court.

Under the bill, an individual is generally ineligible for AR if he or she:

1. maliciously and intentionally maims, mutilates, tortures, wounds, or kills an animal;
2. knowingly (a) owns, possesses, keeps, or trains an animal engaged in a fighting exhibition for amusement or gain; (b) possesses, keeps, or trains an animal to engage in such an exhibition; (c) permits such an exhibition to take place on premises under his or her control; (d) acts as a judge or spectator for such an exhibition; or (e) bets or wagers on the outcome of such an exhibition; or
3. intentionally injures (a) an animal while the animal is performing its duties under a peace officer's supervision or (b) a dog that is a member of a volunteer canine search and rescue team while the dog is performing its duties under an active team member's supervision.

Under existing law, second or subsequent animal cruelty offenses

(including those designated as class D felonies) are already ineligible for AR.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Accelerated Rehabilitation

AR is a program that allows certain criminal defendants charged with certain crimes or motor vehicle violations to avoid prosecution and incarceration by successfully completing a court-sanctioned, community-based treatment program. Defendants who successfully complete the program have their charges dismissed (CGS § 54-56e).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 37 Nay 4 (04/04/2018)