



# House of Representatives

General Assembly

**File No. 580**

January Session, 2021

Substitute House Bill No. 6594

*House of Representatives, April 22, 2021*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.***

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

1 Section 1. Subsection (a) of section 54-86 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective October*  
3 *1, 2021*):

4 (a) In any case involving an offense for which the punishment may  
5 be imprisonment for more than one year, the Superior Court or a judge  
6 thereof may, upon the application of the accused, or of the state in the  
7 case of a witness who is infirm and seventy-five years of age or older,  
8 order that the deposition of a witness shall be taken before a  
9 commissioner, judge or magistrate, to be designated by the court or  
10 judge, if it appears that his or her testimony will be required at trial and  
11 that, by reason of bodily infirmity, age or residence out of this state, he  
12 or she will be unable to testify at trial.

13 Sec. 2. Section 53a-83 of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective October 1, 2021*):

15 (a) A person is guilty of [patronizing a prostitute] soliciting sexual  
16 acts when: (1) Pursuant to a prior understanding, such person pays a fee

17 to another person as compensation for such person or a third person  
18 having engaged in sexual conduct with such person; (2) such person  
19 pays or agrees to pay a fee to another person pursuant to an  
20 understanding that in return for such fee such other person or a third  
21 person will engage in sexual conduct with such person; or (3) such  
22 person solicits or requests another person to engage in sexual conduct  
23 with such person in return for a fee.

24 (b) [Patronizing a prostitute] Soliciting sexual acts is a class A  
25 misdemeanor and any person found guilty shall be fined two thousand  
26 dollars.

27 Sec. 3. Section 53a-84 of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective October 1, 2021*):

29 (a) In any prosecution for prostitution in violation of section 53a-82  
30 or [patronizing a prostitute] soliciting sexual acts in violation of section  
31 53a-83, as amended by this act, the sex of the two parties or prospective  
32 parties to the sexual conduct engaged in, contemplated or solicited is  
33 immaterial, and it shall be no defense that: (1) Such persons were of the  
34 same sex; or (2) the person who received, agreed to receive or solicited  
35 a fee was a male and the person who paid or agreed or offered to pay  
36 such fee was a female.

37 (b) In any prosecution for [patronizing a prostitute] soliciting sexual  
38 acts in violation of section 53a-83, as amended by this act, promoting  
39 prostitution in violation of section 53a-86, 53a-87 or 53a-88 or permitting  
40 prostitution in violation of section 53a-89, it shall be no defense that the  
41 person engaging or agreeing to engage in sexual conduct with another  
42 person in return for a fee could not be prosecuted for a violation of  
43 section 53a-82 on account of such person's age.

44 Sec. 4. Section 7-22 of the general statutes is repealed and the  
45 following is substituted in lieu thereof (*Effective October 1, 2021*):

46 Whenever complaint in writing is made to the [state's attorney for  
47 any judicial district] Attorney General that the town clerk of any town

48 [in such judicial district] is guilty of misconduct, wilful and material  
49 neglect of duty or incompetence in the conduct of such town clerk's  
50 office, [such state's attorney] the Attorney General shall make such  
51 investigation of the charges as [such state's attorney] the Attorney  
52 General deems proper and shall, if [such state's attorney] the Attorney  
53 General is of the opinion that the evidence obtained warrants such  
54 action, prepare a statement in writing of the charges against such town  
55 clerk, together with a citation in the name of the state, commanding such  
56 town clerk to appear before a judge of the Superior Court at a date  
57 named in the citation and show cause, if any, why such town clerk  
58 should not be removed from office as provided in this section. [Such  
59 state's attorney] The Attorney General shall cause a copy of such  
60 statement and citation to be served by some proper officer upon the  
61 defendant town clerk at least ten days before the date of appearance  
62 named in such citation, and the original statement and citation, with the  
63 return of the officer thereon, shall be returned to the clerk of the superior  
64 court for the judicial district within which such town is situated. To  
65 carry into effect the proceedings authorized by this section, the [state's  
66 attorney of any judicial district] Attorney General shall have power to  
67 summon witnesses, require the production of necessary books, papers  
68 and other documents and administer oaths to witnesses; and upon the  
69 date named in such citation for the appearance of such town clerk, or  
70 upon any adjourned date fixed by the judge before whom such  
71 proceedings are pending, the [state's attorney] Attorney General shall  
72 appear and conduct the hearing on behalf of the state. If, after a full  
73 hearing of all the evidence offered by the [state's attorney] Attorney  
74 General and by and on behalf of the defendant, such judge is of the  
75 opinion that the evidence presented warrants the removal of such town  
76 clerk from office, the judge shall cause to be prepared a written order to  
77 that effect, which order shall be signed by the judge and lodged with the  
78 clerk of the superior court for the judicial district in which such  
79 defendant resides. Such clerk of the superior court shall cause a certified  
80 copy of such order to be served forthwith upon such town clerk, and  
81 upon such service the office held by such town clerk shall become vacant  
82 and the vacancy thereby created shall be filled at once in the manner

83 provided in section 9-220. Any witnesses summoned and any officer  
84 making service under the provisions of this section shall be allowed and  
85 paid by the state the same fees as are allowed by law in criminal  
86 prosecutions.

87 Sec. 5. Section 7-81 of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective October 1, 2021*):

89 Whenever complaint in writing is made to the [state's attorney for  
90 any judicial district] Attorney General that the town treasurer of any  
91 town [in such judicial district] is guilty of misconduct, wilful and  
92 material neglect of duty or incompetence in the conduct of such town  
93 treasurer's office, [such state's attorney] the Attorney General shall make  
94 such investigation of the charges as [such state's attorney] the Attorney  
95 General deems proper, and shall, if [such state's attorney] the Attorney  
96 General is of the opinion that the evidence obtained warrants such  
97 action, prepare a statement in writing of the charges against such town  
98 treasurer, together with a citation in the name of the state, commanding  
99 such town treasurer to appear before a judge of the Superior Court at a  
100 date named in the citation and show cause, if any, why such town  
101 treasurer should not be removed from office as provided in this section.  
102 [Such state's attorney] The Attorney General shall cause a copy of such  
103 statement and citation to be served, by some proper officer, upon the  
104 defendant town treasurer at least ten days before the date of appearance  
105 named in such citation, and the original statement and citation, with the  
106 return of the officer thereon, shall be returned to the clerk of the superior  
107 court for the judicial district within which such town is situated. To  
108 carry into effect the proceedings authorized by this section, the [state's  
109 attorney of any judicial district] Attorney General shall have power to  
110 summon witnesses, require the production of necessary books, papers  
111 and other documents and administer oaths to witnesses; and, upon the  
112 date named in such citation for the appearance of such town treasurer,  
113 or upon any adjourned date fixed by the judge before whom such  
114 proceedings are pending, [such state's attorney] the Attorney General  
115 shall appear and conduct the hearing on behalf of the state. If, after a full  
116 hearing of all the evidence offered by the [state's attorney] Attorney

117 General and by and on behalf of such defendant, such judge is of the  
118 opinion that the evidence presented warrants the removal of such town  
119 treasurer from office, the judge shall cause to be prepared a written  
120 order to that effect, which order shall be signed by the judge and lodged  
121 with the clerk of the superior court for the judicial district in which such  
122 defendant resides. Such clerk of the superior court shall cause a certified  
123 copy of such order to be served forthwith upon such town treasurer,  
124 and upon such service the office held by such town treasurer shall  
125 become vacant and the vacancy thereby created shall be filled at once in  
126 the manner provided in section 9-220. Any witnesses summoned and  
127 any officer making service under the provisions of this section shall be  
128 allowed and paid by the state the same fees as are allowed by law in  
129 criminal prosecutions.

130 Sec. 6. Section 51-279b of the general statutes is repealed and the  
131 following is substituted in lieu thereof (*Effective October 1, 2021*):

132 [(a)] The Chief State's Attorney shall establish a racketeering and  
133 continuing criminal activities unit within the Division of Criminal  
134 Justice. Such unit shall be available for the investigation and prosecution  
135 of criminal matters including, but not limited to, the illegal purchase and  
136 sale of controlled substances, criminal activity by gangs, fraud,  
137 corruption, illegal gambling and the recruitment of persons to carry out  
138 such illegal activities.

139 [(b)] The Chief State's Attorney shall establish a bond forfeiture unit  
140 within the Division of Criminal Justice. Such unit shall be responsible  
141 for the collection, in the name of the state, and by suit when necessary,  
142 of all forfeited bonds payable to the state. Such unit may compromise  
143 and settle forfeited bonds for less than the amount thereof without  
144 regard to the expiration of any stay of forfeiture.

145 (c) The Chief State's Attorney shall develop uniform standards for the  
146 compromise and settlement of forfeited bonds. Such standards shall be  
147 applied on a state-wide basis.]

148 Sec. 7. Section 54-72 of the general statutes is repealed and the

149 following is substituted in lieu thereof (*Effective October 1, 2021*):

150 All fines, forfeitures and penalties, unless otherwise expressly  
151 disposed of by law, if imposed on any person by the Superior Court,  
152 shall belong to the state. When a fine, penalty or forfeiture is imposed  
153 by any statute as a punishment for any offense, and any part thereof is  
154 given to the person aggrieved or to him who sues therefor and the other  
155 part to the state, all proper informing officers shall make presentment of  
156 such offense to the court having cognizance thereof; and the whole of  
157 such fine, penalty or forfeiture shall in such case belong to the state.  
158 Whenever any corporation has incurred a penalty or forfeiture or is  
159 liable to a fine, the [state's attorney in the judicial district wherein such  
160 corporation is located or has its principal place of business in this state]  
161 Attorney General may bring a civil action under the provisions of this  
162 section, in the name of the state, to recover such penalty, forfeiture or  
163 fine. The court shall render judgment, under the limitations of law, for  
164 the recovery of such penalty, forfeiture or fine, and issue execution  
165 therefor.

166 Sec. 8. Section 54-73 of the general statutes is repealed and the  
167 following is substituted in lieu thereof (*Effective October 1, 2021*):

168 The [state's attorney in the judicial district in which any forfeiture to  
169 the state accrues] Attorney General shall collect and pay [it] to the State  
170 Treasurer any forfeiture that accrues to the state; and, if in the opinion  
171 of the court the plaintiff is an improper person to collect [it] the  
172 forfeiture, a separate execution may be issued in favor of the state.

173 Sec. 9. Subsection (f) of section 1-110a of the general statutes is  
174 repealed and the following is substituted in lieu thereof (*Effective October*  
175 *1, 2021*):

176 (f) In all criminal proceedings in state [or federal] court in which the  
177 defendant is a public official or a state or municipal employee who is  
178 charged with a crime related to state or municipal office, the [Attorney  
179 General] state prosecutor shall notify the [prosecutor of the existence of]  
180 Attorney General of such proceedings and the Attorney General shall

181 pursue remedies under the pension revocation statute, [and] including  
182 the possibility that any fine, restitution or other monetary order made  
183 by the court [may] be paid from such official's or employee's pension.

184 Sec. 10. Section 53a-290 of the general statutes is repealed and the  
185 following is substituted in lieu thereof (*Effective October 1, 2021*):

186 A person commits vendor fraud when, with intent to defraud and  
187 acting on such person's own behalf or on behalf of an entity, such person  
188 provides goods or services to a beneficiary under sections 17b-22, 17b-  
189 75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-180a, 17b-183,  
190 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, 17b-357 to  
191 17b-361, inclusive, 17b-600 to 17b-604, inclusive, 17b-749, 17b-807 and  
192 17b-808 or provides services to a recipient under Title XIX of the Social  
193 Security Act, as amended, and, (1) presents for payment any false claim  
194 for goods or services performed; (2) accepts payment for goods or  
195 services performed, which exceeds either the amounts due for goods or  
196 services performed, or the amounts authorized by law for the cost of  
197 such goods or services; (3) solicits to perform services for or sell goods  
198 to any such beneficiary, knowing that such beneficiary is not in need of  
199 such goods or services; (4) sells goods to or performs services for any  
200 such beneficiary without prior authorization by the Department of  
201 Social Services, when prior authorization is required by said department  
202 for the buying of such goods or the performance of any service; [or] (5)  
203 accepts from any person or source other than the state an additional  
204 compensation in excess of the amount authorized by law; or (6) having  
205 knowledge of the occurrence of any event affecting (A) his or her initial  
206 or continued right to any such benefit or payment, or (B) the initial or  
207 continued right to any such benefit or payment of any other individual  
208 in whose behalf he or she has applied for or is receiving such benefit or  
209 payment, conceals or fails to disclose such event with an intent to  
210 fraudulently secure such benefit or payment either in a greater amount  
211 or quantity than is due or when no such benefit or payment is  
212 authorized.

213 Sec. 11. Section 53a-181f of the general statutes is repealed and the

214 following is substituted in lieu thereof (*Effective October 1, 2021*):

215 (a) A person is guilty of electronic stalking when such person  
216 [recklessly causes another person to reasonably fear for his or her  
217 physical safety by wilfully and repeatedly using a global positioning  
218 system or similar electronic monitoring system to remotely determine  
219 or track the position or movement of such other person] with the intent  
220 to kill, injure, harass or intimidate, places under surveillance another  
221 person or otherwise uses any interactive computer service or electronic  
222 communication service, electronic communication system or electronic  
223 monitoring system to engage in a course of conduct that: (1) Places such  
224 other person in reasonable fear of the death of or serious bodily injury  
225 to (A) such person, (B) an immediate family member of such person, or  
226 (C) an intimate partner of such person; or (2) causes, attempts to cause  
227 or would be reasonably expected to cause substantial emotional distress  
228 to a person described in subparagraph (A), (B) or (C) of subdivision (1)  
229 of this subsection.

230 (b) Electronic stalking is a class [B misdemeanor] D felony.

231 Sec. 12. Section 53a-189c of the general statutes is repealed and the  
232 following is substituted in lieu thereof (*Effective October 1, 2021*):

233 (a) A person is guilty of unlawful dissemination of an intimate image  
234 when (1) such person intentionally disseminates by electronic or other  
235 means a photograph, film, videotape or other recorded image of (A) the  
236 genitals, pubic area or buttocks of another person with less than a fully  
237 opaque covering of such body part, or the breast of such other person  
238 who is female with less than a fully opaque covering of any portion of  
239 such breast below the top of the nipple, or (B) another person engaged  
240 in sexual intercourse, as defined in section 53a-193, (2) such person  
241 disseminates such image without the consent of such other person,  
242 knowing that such other person understood that the image would not  
243 be so disseminated, and (3) such other person suffers harm as a result of  
244 such dissemination. For purposes of this subsection, "disseminate"  
245 means to sell, give, provide, lend, trade, mail, deliver, transfer, publish,  
246 distribute, circulate, present, exhibit, advertise or otherwise offer, and



247 "harm" includes, but is not limited to, subjecting such other person to  
248 hatred, contempt, ridicule, physical injury, financial injury,  
249 psychological harm or serious emotional distress.

250 (b) The provisions of subsection (a) of this subsection shall not apply  
251 to:

252 (1) Any image described in subsection (a) of this section of such other  
253 person if such image resulted from voluntary exposure or engagement  
254 in sexual intercourse by such other person, in a public place, as defined  
255 in section 53a-181, or in a commercial setting;

256 (2) Any image described in subsection (a) of this section of such other  
257 person, if such other person is not clearly identifiable, unless other  
258 personally identifying information is associated with or accompanies  
259 the image; or

260 (3) Any image described in subsection (a) of this section of such other  
261 person, if the dissemination of such image serves the public interest.

262 (c) Unlawful dissemination of an intimate image [is a class A  
263 misdemeanor] to (1) a person by any means is a class A misdemeanor,  
264 and (2) more than one person by means of an interactive computer  
265 service, as defined in 47 USC 230, an information service, as defined in  
266 47 USC 153, or a telecommunications service, as defined in section 16-  
267 247a, is a class D felony.

268 (d) Nothing in this section shall be construed to impose liability on  
269 the provider of an interactive computer service, as defined in 47 USC  
270 230, an information service, as defined in 47 USC 153, or a  
271 telecommunications service, as defined in section 16-247a, for content  
272 provided by another person.

273 Sec. 13. Subsections (f) and (g) of section 53a-40 of the general statutes  
274 are repealed and the following is substituted in lieu thereof (*Effective*  
275 *October 1, 2021*):

276 (f) A persistent offender for possession of a controlled substance is a

277 person who (1) stands convicted of possession of a controlled substance  
278 in violation of the provisions of section 21a-279, as amended by this act,  
279 and (2) has been, at separate times prior to the commission of the present  
280 possession of a controlled substance, twice convicted of the crime of  
281 possession of a controlled substance during the ten years prior to the  
282 commission of the present violation of section 21a-279, as amended by  
283 this act.

284 (g) A persistent felony offender is a person who (1) stands convicted  
285 of a felony other than a class D or E felony, and (2) has been, at separate  
286 times prior to the commission of the present felony, twice convicted of  
287 a felony other than a class D or E felony, if such felonies were committed  
288 during the ten years prior to the commission of the present felony.

289 Sec. 14. Subsection (b) of section 53a-39c of the general statutes is  
290 repealed and the following is substituted in lieu thereof (*Effective October*  
291 *1, 2021*):

292 (b) Any person who enters such program shall pay to the court a  
293 participation fee of two hundred five dollars, except that no person may  
294 be excluded from such program for inability to pay such fee, provided  
295 (1) such person files with the court an affidavit of indigency or inability  
296 to pay [, (2)] such indigency is confirmed by the Court Support Services  
297 Division [,] and [(3)] the court enters a finding thereof, or (2) the person  
298 has been determined indigent and eligible for representation by a public  
299 defender who has been appointed on behalf of such person pursuant to  
300 section 51-296. The court shall not require a person to perform  
301 community service in lieu of payment of such fee, if such fee is waived.  
302 All program fees collected under this subsection shall be deposited into  
303 the alternative incarceration program account.

304 Sec. 15. Section 54-56e of the general statutes is repealed and the  
305 following is substituted in lieu thereof (*Effective October 1, 2021*):

306 (a) There shall be a pretrial program for accelerated rehabilitation of  
307 persons accused of a crime or crimes or a motor vehicle violation or  
308 violations for which a sentence to a term of imprisonment may be

309 imposed, which crimes or violations are not of a serious nature. Upon  
310 application by any such person for participation in the program, the  
311 court shall, but only as to the public, order the court file sealed.

312 (b) The court may, in its discretion, invoke such program on motion  
313 of the defendant or on motion of a state's attorney or prosecuting  
314 attorney with respect to a defendant (1) who, the court believes, will  
315 probably not offend in the future, (2) who has no previous record of  
316 conviction of a crime or of a violation of section 14-196, subsection (c) of  
317 section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
318 subsection (b) of section 14-224, section 14-227a or 14-227m or  
319 subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who  
320 states under oath, in open court or before any person designated by the  
321 clerk and duly authorized to administer oaths, under the penalties of  
322 perjury, (A) that the defendant has never had such program invoked on  
323 the defendant's behalf or that the defendant was charged with a  
324 misdemeanor or a motor vehicle violation for which a term of  
325 imprisonment of one year or less may be imposed and ten or more years  
326 have passed since the date that any charge or charges for which the  
327 program was invoked on the defendant's behalf were dismissed by the  
328 court, or (B) with respect to a defendant who is a veteran, that the  
329 defendant has not had such program invoked in the defendant's behalf  
330 more than once previously, provided the defendant shall agree thereto  
331 and provided notice has been given by the defendant, on a form  
332 prescribed by the Office of the Chief Court Administrator, to the victim  
333 or victims of such crime or motor vehicle violation, if any, by registered  
334 or certified mail and such victim or victims have an opportunity to be  
335 heard thereon. Any defendant who makes application for participation  
336 in such program shall pay to the court an application fee of thirty-five  
337 dollars, except as provided in subsection (g) of this section. No  
338 defendant shall be allowed to participate in the pretrial program for  
339 accelerated rehabilitation more than two times. For the purposes of this  
340 section, "veteran" means any person who was discharged or released  
341 under conditions other than dishonorable from active service in the  
342 armed forces as defined in section 27-103.

343 (c) This section shall not be applicable: (1) To any person charged  
344 with (A) a class A felony, (B) a class B felony, except a violation of  
345 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
346 not involve the use, attempted use or threatened use of physical force  
347 against another person, or a violation of subdivision (4) of subsection (a)  
348 of section 53a-122 that does not involve the use, attempted use or  
349 threatened use of physical force against another person and does not  
350 involve a violation by a person who is a public official, as defined in  
351 section 1-110, or a state or municipal employee, as defined in section 1-  
352 110, or (C) a violation of section 53a-70b of the general statutes, revision  
353 of 1958, revised to January 1, 2019, or section 14-227a or 14-227m,  
354 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2)  
355 of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-  
356 70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-  
357 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged  
358 with a crime or motor vehicle violation who, as a result of the  
359 commission of such crime or motor vehicle violation, causes the death  
360 of another person, (3) to any person accused of a family violence crime  
361 as defined in section 46b-38a who (A) is eligible for the pretrial family  
362 violence education program established under section 46b-38c, as  
363 amended by this act, or (B) has previously had the pretrial family  
364 violence education program invoked in such person's behalf, (4) to any  
365 person charged with a violation of section 21a-267, as amended by this  
366 act, or 21a-279, as amended by this act, who (A) is eligible for the pretrial  
367 drug education and community service program established under  
368 section 54-56i, as amended by this act, or (B) has previously had the  
369 pretrial drug education program or the pretrial drug education and  
370 community service program invoked on such person's behalf, (5) unless  
371 good cause is shown, to (A) any person charged with a class C felony,  
372 or (B) any person charged with committing a violation of subdivision  
373 (1) of subsection (a) of section 53a-71 while such person was less than  
374 four years older than the other person, (6) to any person charged with a  
375 violation of section 9-359 or 9-359a, (7) to any person charged with a  
376 motor vehicle violation (A) while operating a commercial motor vehicle,  
377 as defined in section 14-1, or (B) who holds a commercial driver's license

378 or commercial driver's instruction permit at the time of the violation, (8)  
379 to any person charged with a violation of subdivision (6) of subsection  
380 (a) of section 53a-60, or (9) to a health care provider or vendor  
381 participating in the state's Medicaid program charged with a violation  
382 of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

383 (d) Except as provided in subsection [(e)] (g) of this section, any  
384 defendant who enters such program shall pay to the court a  
385 participation fee of one hundred dollars. Any defendant who enters  
386 such program shall agree to the tolling of any statute of limitations with  
387 respect to such crime and to a waiver of the right to a speedy trial. Any  
388 such defendant shall appear in court and shall, under such conditions  
389 as the court shall order, be released to the custody of the Court Support  
390 Services Division, except that, if a criminal docket for drug-dependent  
391 persons has been established pursuant to section 51-181b in the judicial  
392 district, such defendant may be transferred, under such conditions as  
393 the court shall order, to the court handling such docket for supervision  
394 by such court. If the defendant refuses to accept, or, having accepted,  
395 violates such conditions, the defendant's case shall be brought to trial.  
396 The period of such probation or supervision, or both, shall not exceed  
397 two years. If the defendant has reached the age of sixteen years but has  
398 not reached the age of eighteen years, the court may order that as a  
399 condition of such probation the defendant be referred for services to a  
400 youth service bureau established pursuant to section 10-19m, provided  
401 the court finds, through an assessment by a youth service bureau or its  
402 designee, that the defendant is in need of and likely to benefit from such  
403 services. When determining any conditions of probation to order for a  
404 person entering such program who was charged with a misdemeanor  
405 that did not involve the use, attempted use or threatened use of physical  
406 force against another person or a motor vehicle violation, the court shall  
407 consider ordering the person to perform community service in the  
408 community in which the offense or violation occurred. If the court  
409 determines that community service is appropriate, such community  
410 service may be implemented by a community court established in  
411 accordance with section 51-181c if the offense or violation occurred  
412 within the jurisdiction of a community court established by said section.

413 If the defendant is charged with a violation of section 46a-58, 53-37a,  
414 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of  
415 such probation the defendant participate in a hate crimes diversion  
416 program as provided in subsection (e) of this section. If a defendant is  
417 charged with a violation of section 53-247, the court may order that as a  
418 condition of such probation the defendant undergo psychiatric or  
419 psychological counseling or participate in an animal cruelty prevention  
420 and education program provided such a program exists and is available  
421 to the defendant.

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

440 (f) If a defendant released to the custody of the Court Support  
441 Services Division satisfactorily completes such defendant's period of  
442 probation, such defendant may apply for dismissal of the charges  
443 against such defendant and the court, on finding such satisfactory  
444 completion, shall dismiss such charges. If the defendant does not apply  
445 for dismissal of the charges against such defendant after satisfactorily  
446 completing such defendant's period of probation, the court, upon

447 receipt of a report submitted by the Court Support Services Division that  
448 the defendant satisfactorily completed such defendant's period of  
449 probation, may on its own motion make a finding of such satisfactory  
450 completion and dismiss such charges. If a defendant transferred to the  
451 court handling the criminal docket for drug-dependent persons  
452 satisfactorily completes such defendant's period of supervision, the  
453 court shall release the defendant to the custody of the Court Support  
454 Services Division under such conditions as the court shall order or shall  
455 dismiss such charges. Upon dismissal, all records of such charges shall  
456 be erased pursuant to section 54-142a. An order of the court denying a  
457 motion to dismiss the charges against a defendant who has completed  
458 such defendant's period of probation or supervision or terminating the  
459 participation of a defendant in such program shall be a final judgment  
460 for purposes of appeal.

461 (g) The court shall waive any application or participation fee under  
462 this section for any person who (1) files with the court an affidavit of  
463 indigency or inability to pay, has such indigency confirmed by the Court  
464 Support Services Division and the court enters a finding thereof, or (2)  
465 has been determined indigent and eligible for representation by a public  
466 defender who has been appointed on behalf of such person pursuant to  
467 section 51-296. The court shall not require a person to perform  
468 community service in lieu of payment of such fee, if such fee is waived.

469 Sec. 16. Section 54-56g of the general statutes is repealed and the  
470 following is substituted in lieu thereof (*Effective October 1, 2021*):

471 (a) (1) There shall be a pretrial alcohol education program for persons  
472 charged with a violation of section 14-227a, 14-227g or 14-227m,  
473 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-  
474 133 or 15-140n. Upon application by any such person for participation  
475 in such program, the court shall, but only as to the public, order the  
476 court file sealed, and such person shall pay to the court an application  
477 fee of one hundred dollars and a nonrefundable evaluation fee of one  
478 hundred dollars, except as provided for in subsection (i) of this section,  
479 and such person shall state under oath, in open court or before any

480 person designated by the clerk and duly authorized to administer oaths,  
481 under penalties of perjury that: (A) If such person is charged with a  
482 violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of  
483 subsection (a) of section 14-227n, subsection (d) of section 15-133 or  
484 section 15-140n, such person has not had such program invoked in such  
485 person's behalf within the preceding ten years for a violation of section  
486 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of  
487 section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B)  
488 such person has not been convicted of a violation of section 53a-56b or  
489 53a-60d, a violation of subsection (a) of section 14-227a before, on or  
490 after October 1, 1981, a violation of subdivision (1) or (2) of subsection  
491 (a) of section 14-227a on or after October 1, 1985, a violation of section  
492 14-227g, a violation of section 14-227m or a violation of subdivision (1)  
493 or (2) of subsection (a) of section 14-227n, (C) such person has not been  
494 convicted of a violation of section 15-132a, subsection (d) of section 15-  
495 133, section 15-140l or section 15-140n, (D) such person has not been  
496 convicted in any other state at any time of an offense the essential  
497 elements of which are substantially the same as section 53a-56b, 53a-60d,  
498 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a) of  
499 section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a)  
500 of section 14-227n or subsection (d) of section 15-133, and (E) notice has  
501 been given by such person, by registered or certified mail on a form  
502 prescribed by the Office of the Chief Court Administrator, to each victim  
503 who sustained a serious physical injury, as defined in section 53a-3,  
504 which was caused by such person's alleged violation, that such person  
505 has applied to participate in the pretrial alcohol education program and  
506 that such victim has an opportunity to be heard by the court on the  
507 application.

508 (2) The court shall provide each such victim who sustained a serious  
509 physical injury an opportunity to be heard prior to granting an  
510 application under this section. Unless good cause is shown, a person  
511 shall be ineligible for participation in such pretrial alcohol education  
512 program if such person's alleged violation of section 14-227a, 14-227g or  
513 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or  
514 subsection (d) of section 15-133 caused the serious physical injury, as



515 defined in section 53a-3, of another person.

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

520 (b) The court, after consideration of the recommendation of the state's  
521 attorney, assistant state's attorney or deputy assistant state's attorney in  
522 charge of the case, may, in its discretion, grant such application. If the  
523 court grants such application, the court shall refer such person to the  
524 Court Support Services Division for assessment and confirmation of the  
525 eligibility of the applicant and to the Department of Mental Health and  
526 Addiction Services for evaluation. The Court Support Services Division,  
527 in making its assessment and confirmation, may rely on the  
528 representations made by the applicant under oath in open court with  
529 respect to convictions in other states of offenses specified in subsection  
530 (a) of this section. Upon confirmation of eligibility and receipt of the  
531 evaluation report, the defendant shall be referred to the Department of  
532 Mental Health and Addiction Services by the Court Support Services  
533 Division for placement in an appropriate alcohol intervention program  
534 for one year, or be placed in a state-licensed substance abuse treatment  
535 program. The alcohol intervention program shall include a ten-session  
536 intervention program and a fifteen-session intervention program. Any  
537 person who enters the pretrial alcohol education program shall agree:  
538 (1) To the tolling of the statute of limitations with respect to such crime,  
539 (2) to a waiver of such person's right to a speedy trial, (3) to complete  
540 ten or fifteen counseling sessions in an alcohol intervention program or  
541 successfully complete a substance abuse treatment program of not less  
542 than twelve sessions pursuant to this section dependent upon the  
543 evaluation report and the court order, (4) to commence participation in  
544 an alcohol intervention program or substance abuse treatment program  
545 not later than ninety days after the date of entry of the court order unless  
546 granted a delayed entry into a program by the court, (5) upon  
547 completion of participation in the alcohol intervention program, to  
548 accept placement in a substance abuse treatment program upon the

549 recommendation of a provider under contract with the Department of  
550 Mental Health and Addiction Services pursuant to subsection (f) of this  
551 section or placement in a state-licensed substance abuse treatment  
552 program which meets standards established by the Department of  
553 Mental Health and Addiction Services, if the Court Support Services  
554 Division deems it appropriate, and (6) if ordered by the court, to  
555 participate in at least one victim impact panel. The suspension of the  
556 motor vehicle operator's license of any such person pursuant to section  
557 14-227b shall be effective during the period such person is participating  
558 in the pretrial alcohol education program, provided such person shall  
559 have the option of not commencing the participation in such program  
560 until the period of such suspension is completed. If the Court Support  
561 Services Division informs the court that the defendant is ineligible for  
562 such program and the court makes a determination of ineligibility or if  
563 the program provider certifies to the court that the defendant did not  
564 successfully complete the assigned program or is no longer amenable to  
565 treatment and such person does not request, or the court denies,  
566 program reinstatement under subsection (e) of this section, the court  
567 shall order the court file to be unsealed, enter a plea of not guilty for  
568 such defendant and immediately place the case on the trial list. If such  
569 defendant satisfactorily completes the assigned program, such  
570 defendant may apply for dismissal of the charges against such  
571 defendant and the court, on reviewing the record of the defendant's  
572 participation in such program submitted by the Court Support Services  
573 Division and on finding such satisfactory completion, shall dismiss the  
574 charges. If the defendant does not apply for dismissal of the charges  
575 against such defendant after satisfactorily completing the assigned  
576 program the court, upon receipt of the record of the defendant's  
577 participation in such program submitted by the Court Support Services  
578 Division, may on its own motion make a finding of such satisfactory  
579 completion and dismiss the charges. Upon motion of the defendant and  
580 a showing of good cause, the court may extend the one-year placement  
581 period for a reasonable period for the defendant to complete the  
582 assigned program. A record of participation in such program shall be  
583 retained by the Court Support Services Division for a period of ten years

584 from the date the court grants the application for participation in such  
585 program. The Court Support Services Division shall transmit to the  
586 Department of Motor Vehicles a record of participation in such program  
587 for each person who satisfactorily completes such program. The  
588 Department of Motor Vehicles shall maintain for a period of ten years  
589 the record of a person's participation in such program as part of such  
590 person's driving record. The Court Support Services Division shall  
591 transmit to the Department of Energy and Environmental Protection the  
592 record of participation of any person who satisfactorily completes such  
593 program who has been charged with a violation of the provisions of  
594 subsection (d) of section 15-133 or section 15-140n. The Department of  
595 Energy and Environmental Protection shall maintain for a period of ten  
596 years the record of a person's participation in such program as a part of  
597 such person's boater certification record.

598 (c) (1) At the time the court grants the application for participation in  
599 the pretrial alcohol education program, such person shall also pay to the  
600 court a nonrefundable program fee of three hundred fifty dollars if such  
601 person is ordered to participate in the ten-session intervention program  
602 and a nonrefundable program fee of five hundred dollars if such person  
603 is ordered to participate in the fifteen-session intervention program. If  
604 the court grants the application for participation in the pretrial alcohol  
605 education program and such person is ordered to participate in a  
606 substance abuse treatment program, such person shall be responsible  
607 for the costs associated with participation in such program. No person  
608 may be excluded from either program for inability to pay such fee or  
609 cost, [provided (1) such person files with the court an affidavit of  
610 indigency or inability to pay, (2) such indigency or inability to pay is  
611 confirmed by the Court Support Services Division, and (3) the court  
612 enters a finding thereof] and the court shall waive any such fee or cost  
613 for any intervention program if such person is found eligible to have  
614 such fee or cost waived under subsection (i) of this section.

615 (2) If the court finds that a person is indigent or unable to pay for a  
616 treatment program using the method for determining indigency  
617 described in subsection (i) of this section, the costs of such program shall

618 be paid from the pretrial account established under section 54-56k. [If  
619 the court finds that a person is indigent or unable to pay for an  
620 intervention program, the court may waive all or any portion of the fee  
621 for such intervention program.]

622 (3) If the court denies the application, such person shall not be  
623 required to pay the program fee. If the court grants the application and  
624 such person is later determined to be ineligible for participation in such  
625 pretrial alcohol education program or fails to complete the assigned  
626 program, the program fee shall not be refunded. All program fees shall  
627 be credited to the pretrial account established under section 54-56k.

628 (d) If a person returns to court with certification from a program  
629 provider that such person did not successfully complete the assigned  
630 program or is no longer amenable to treatment, the provider, to the  
631 extent practicable, shall include a recommendation to the court as to  
632 whether a ten-session intervention program, a fifteen-session  
633 intervention program or placement in a state-licensed substance abuse  
634 treatment program would best serve such person's needs. The provider  
635 shall also indicate whether the current program referral was an initial  
636 referral or a reinstatement to the program.

637 (e) When a person subsequently requests reinstatement into an  
638 alcohol intervention program or a substance abuse treatment program  
639 and the Court Support Services Division verifies that such person is  
640 eligible for reinstatement into such program and thereafter the court  
641 favorably acts on such request, such person shall pay a nonrefundable  
642 program fee of one hundred seventy-five dollars if ordered to complete  
643 a ten-session intervention program or two hundred fifty dollars if  
644 ordered to complete a fifteen-session intervention program, as the case  
645 may be, [. Unless good cause is shown, such fees shall not be waived]  
646 except as provided in subsection (i) of this section. If the court grants a  
647 person's request to be reinstated into a treatment program, such person  
648 shall be responsible for the costs, if any, associated with being reinstated  
649 into the treatment program. All program fees collected in connection  
650 with a reinstatement to an intervention program shall be credited to the

651 pretrial account established under section 54-56k. No person shall be  
652 permitted more than two program reinstatements pursuant to this  
653 subsection.

654 (f) The Department of Mental Health and Addiction Services shall  
655 contract with service providers, develop standards and oversee  
656 appropriate alcohol programs to meet the requirements of this section.  
657 Said department shall adopt regulations, in accordance with chapter 54,  
658 to establish standards for such alcohol programs. Any person ordered  
659 to participate in a treatment program shall do so at a state-licensed  
660 treatment program which meets the standards established by said  
661 department. Any defendant whose employment or residence makes it  
662 unreasonable to attend an alcohol intervention program or a substance  
663 abuse treatment program in this state may attend a program in another  
664 state which has standards substantially similar to, or higher than, those  
665 of this state, subject to the approval of the court and payment of the  
666 application, evaluation and program fees and treatment costs, as  
667 appropriate, as provided in this section.

668 (g) The court may, as a condition of granting such application, require  
669 that such person participate in a victim impact panel program approved  
670 by the Court Support Services Division of the Judicial Department. Such  
671 victim impact panel program shall provide a nonconfrontational forum  
672 for the victims of alcohol-related or drug-related offenses and offenders  
673 to share experiences on the impact of alcohol-related or drug-related  
674 incidents in their lives. Such victim impact panel program shall be  
675 conducted by a nonprofit organization that advocates on behalf of  
676 victims of accidents caused by persons who operated a motor vehicle  
677 while under the influence of intoxicating liquor or any drug, or both.  
678 Such organization may assess a participation fee of not more than  
679 seventy-five dollars on any person required by the court to participate  
680 in such program, provided such organization shall offer a [hardship]  
681 waiver when [it has determined that the imposition of a fee would pose  
682 an economic hardship for such person] such person has been  
683 determined indigent and eligible for representation by a public  
684 defender who has been appointed on behalf of such person pursuant to

685 section 51-296.

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

692 (i) The court shall waive any fee or cost under subsection (a), (c) or (e)  
693 of this section for any person who (1) files with the court an affidavit of  
694 indigency or inability to pay, has such indigency confirmed by the Court  
695 Support Services Division and the court enters a finding thereof, or (2)  
696 has been determined indigent and eligible for representation by a public  
697 defender who has been appointed on behalf of such person pursuant to  
698 section 51-296. The court shall not require a person to perform  
699 community service in lieu of payment of such fee or cost, if such fee or  
700 cost is waived.

701 Sec. 17. Section 54-56i of the general statutes is repealed and the  
702 following is substituted in lieu thereof (*Effective October 1, 2021*):

703 (a) There is established a pretrial drug education and community  
704 service program for persons charged with a violation of section 21a-257,  
705 as amended by this act, 21a-267, as amended by this act, 21a-279, as  
706 amended by this act, or 21a-279a. The pretrial drug education and  
707 community service program shall include a fifteen-session drug  
708 education program and a substance abuse treatment program of not less  
709 than fifteen sessions, and the performance of community service.

710 (b) Upon application by any such person for participation in such  
711 program, the court shall, but only as to the public, order the court file  
712 sealed, and such person shall pay to the court of an application fee of  
713 one hundred dollars and a nonrefundable evaluation fee of one hundred  
714 fifty dollars, except as provided in subsection (l) of this section. A person  
715 shall be ineligible for participation in such pretrial drug education and  
716 community service program if such person has twice previously

717 participated in (1) the pretrial drug education program established  
718 under the provisions of this section in effect prior to October 1, 2013, (2)  
719 the community service labor program established under section 53a-39c,  
720 as amended by this act, (3) the pretrial drug education and community  
721 service program established under this section, or (4) any of such  
722 programs, except that the court may allow a person who has twice  
723 previously participated in such programs to participate in the pretrial  
724 drug education and community service program one additional time,  
725 for good cause shown. The evaluation and application fee imposed  
726 under this subsection shall be credited to the pretrial account  
727 established under section 54-56k.

728 (c) The court, after consideration of the recommendation of the state's  
729 attorney, assistant state's attorney or deputy assistant state's attorney in  
730 charge of the case, may, in its discretion, grant such application. If the  
731 court grants such application, the court shall refer such person (1) to the  
732 Court Support Services Division for confirmation of the eligibility of the  
733 applicant, (2) to the Department of Mental Health and Addiction  
734 Services for evaluation and determination of an appropriate drug  
735 education or substance abuse treatment program for the first or second  
736 time such application is granted, and (3) to a state-licensed substance  
737 abuse treatment program for evaluation and determination of an  
738 appropriate substance abuse treatment program for the third time such  
739 application is granted, except that, if such person is a veteran, the court  
740 may refer such person to the Department of Veterans Affairs or the  
741 United States Department of Veterans Affairs, as applicable, for any  
742 such evaluation and determination. For the purposes of this subsection  
743 and subsection (d) of this section, "veteran" means any person who was  
744 discharged or released under conditions other than dishonorable from  
745 active service in the armed forces as defined in section 27-103.

746 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
747 evaluation and determination required under subsection (c) of this  
748 section, such person shall be placed in the pretrial drug education and  
749 community service program and referred by the Court Support Services  
750 Division for the purpose of receiving appropriate drug education

751 services or substance abuse treatment program services, as  
752 recommended by the evaluation conducted pursuant to subsection (c)  
753 of this section and ordered by the court, to the Department of Mental  
754 Health and Addiction Services or to a state-licensed substance abuse  
755 treatment program for placement in the appropriate drug education or  
756 substance abuse treatment program, except that, if such person is a  
757 veteran, the division may refer such person to the Department of  
758 Veterans Affairs or the United States Department of Veterans Affairs,  
759 subject to the provisions of subdivision (2) of this subsection.

760 (B) Persons who have been granted entry into the pretrial drug  
761 education and community service program for the first time shall  
762 participate in either a fifteen-session drug education program or a  
763 substance abuse treatment program of not less than fifteen sessions, as  
764 ordered by the court on the basis of the evaluation and determination  
765 required under subsection (c) of this section. Persons who have been  
766 granted entry into the pretrial drug education and community service  
767 program for the second time shall participate in either a fifteen-session  
768 drug education program or a substance abuse treatment program of not  
769 less than fifteen sessions, as ordered by the court based on the  
770 evaluation and determination required under subsection (c) of this  
771 section. Persons who have been granted entry into the pretrial drug  
772 education and community service program for a third time shall be  
773 referred to a state-licensed substance abuse program for evaluation and  
774 participation in a course of treatment as ordered by the court based on  
775 the evaluation and determination required under subsection (c) of this  
776 section.

777 (C) Persons who have been granted entry into the pretrial drug  
778 education and community service program shall also participate in a  
779 community service program administered by the Court Support  
780 Services Division pursuant to section 53a-39c, as amended by this act.  
781 Persons who have been granted entry into the pretrial drug education  
782 and community service program for the first time shall participate in the  
783 community service program for a period of five days. Persons who have  
784 been granted entry into the pretrial drug education and community



785 service program for the second time shall participate in the community  
786 service program for a period of fifteen days. Persons who have been  
787 granted entry into the pretrial drug education and community service  
788 program for a third or additional time shall participate in the  
789 community service program for a period of thirty days.

790 (D) Placement in the pretrial drug education and community service  
791 program pursuant to this section shall not exceed one year. Persons  
792 receiving substance abuse treatment program services in accordance  
793 with the provisions of this section shall only receive such services at  
794 state-licensed substance abuse treatment program facilities that are in  
795 compliance with all state standards governing the operation of such  
796 facilities, except that, if such person is a veteran, such person may  
797 receive services from facilities under the supervision of the Department  
798 of Veterans Affairs or the United States Department of Veterans Affairs,  
799 subject to the provisions of subdivision (2) of this subsection.

800 (E) Any person who enters the pretrial drug education and  
801 community service program shall agree: (i) To the tolling of the statute  
802 of limitations with respect to such crime; (ii) to a waiver of such person's  
803 right to a speedy trial; (iii) to complete participation in the pretrial drug  
804 education and community service program, as ordered by the court; (iv)  
805 to commence participation in the pretrial drug education and  
806 community service program not later than ninety days after the date of  
807 entry of the court order unless granted a delayed entry into the program  
808 by the court; and (v) upon completion of participation in the pretrial  
809 drug education and community service program, to accept (I) placement  
810 in a treatment program upon the recommendation of a provider under  
811 contract with the Department of Mental Health and Addiction Services  
812 or a provider under the supervision of the Department of Veterans  
813 Affairs or the United States Department of Veterans Affairs, or (II)  
814 placement in a treatment program that has standards substantially  
815 similar to, or higher than, a program of a provider under contract with  
816 the Department of Mental Health and Addiction Services, if the Court  
817 Support Services Division deems it appropriate.

818 (2) The Court Support Services Division may only refer a veteran to  
819 the Department of Veterans Affairs or the United States Department of  
820 Veterans Affairs for the receipt of services under the program if (A) the  
821 division determines that such services will be provided in a timely  
822 manner under standards substantially similar to, or higher than,  
823 standards for services provided by the Department of Mental Health  
824 and Addiction Services under the program, and (B) the applicable  
825 department agrees to submit timely program participation and  
826 completion reports to the division in the manner required by the  
827 division.

828 (e) If the Court Support Services Division informs the court that such  
829 person is ineligible for the program and the court makes a determination  
830 of ineligibility or if the program provider certifies to the court that such  
831 person did not successfully complete the assigned program and such  
832 person did not request, or the court denied, reinstatement in the  
833 program under subsection (i) of this section, the court shall order the  
834 court file to be unsealed, enter a plea of not guilty for such person and  
835 immediately place the case on the trial list.

836 (f) If such person satisfactorily completes the assigned program, such  
837 person may apply for dismissal of the charges against such person and  
838 the court, on reviewing the record of such person's participation in such  
839 program submitted by the Court Support Services Division and on  
840 finding such satisfactory completion, shall dismiss the charges. If such  
841 person does not apply for dismissal of the charges against such person  
842 after satisfactorily completing the assigned program, the court, upon  
843 receipt of the record of such person's participation in such program  
844 submitted by the Court Support Services Division, may on its own  
845 motion make a finding of such satisfactory completion and dismiss the  
846 charges. Upon motion of such person and a showing of good cause, the  
847 court may extend the placement period for a reasonable period of time  
848 to allow such person to complete the assigned program. A record of  
849 participation in such program shall be retained by the Court Support  
850 Services Division for a period of ten years from the date the court grants  
851 the application for participation in the program.

852 (g) At the time the court grants the application for participation in the  
853 pretrial drug education and community service program, any person  
854 ordered to participate in such drug education program shall pay to the  
855 court a nonrefundable program fee of six hundred dollars. If the court  
856 orders participation in a substance abuse treatment program, such  
857 person shall pay to the court a nonrefundable program fee of one  
858 hundred dollars and shall be responsible for the costs associated with  
859 such program. No person may be excluded from any such program for  
860 inability to pay such fee or cost, [provided (1) such person files with the  
861 court an affidavit of indigency or inability to pay, (2) such indigency or  
862 inability to pay is confirmed by the Court Support Services Division,  
863 and (3) the court enters a finding thereof. The court may waive all or any  
864 portion of such fee depending on such person's ability to pay] and the  
865 court shall waive any such fee or cost if such person is found eligible to  
866 have such fee or cost waived under subsection (l) of this section. If the  
867 court [finds that a person is indigent or unable to pay] waives the costs  
868 for a substance abuse treatment program, the costs of such program  
869 shall be paid from the pretrial account established under section 54-56k.  
870 If the court denies the application, such person shall not be required to  
871 pay the program fee. If the court grants the application, and such person  
872 is later determined to be ineligible for participation in such pretrial drug  
873 education and community service program or fails to complete the  
874 assigned program, the program fee shall not be refunded. All program  
875 fees shall be credited to the pretrial account established under section  
876 54-56k.

877 (h) If a person returns to court with certification from a program  
878 provider that such person did not successfully complete the assigned  
879 program or is no longer amenable to treatment, the provider, to the  
880 extent practicable, shall include a recommendation to the court as to  
881 whether placement in a drug education program or placement in a  
882 substance abuse treatment program would best serve such person's  
883 needs. The provider shall also indicate whether the current program  
884 referral was an initial referral or a reinstatement to the program.

885 (i) When a person subsequently requests reinstatement into a drug

886 education program or a substance abuse treatment program and the  
887 Court Support Services Division verifies that such person is eligible for  
888 reinstatement into such program and thereafter the court favorably acts  
889 on such request, any person reinstated into such drug education  
890 program shall pay a nonrefundable program fee of two hundred fifty  
891 dollars, and any person reinstated into a substance abuse treatment  
892 program shall be responsible for the costs, if any, associated with being  
893 reinstated into the treatment program, [ Unless good cause is shown,  
894 such program fee shall not be waived] unless such person is found  
895 eligible to have such fee or costs waived under subsection (l) of this  
896 section. All program fees collected in connection with a reinstatement to  
897 a drug education program shall be credited to the pretrial account  
898 established under section 54-56k. No person shall be permitted more  
899 than two program reinstatements pursuant to this subsection.

900 (j) The Department of Mental Health and Addiction Services shall  
901 develop standards and oversee appropriate drug education programs  
902 that it administers to meet the requirements of this section and may  
903 contract with service providers to provide such programs. The  
904 department shall adopt regulations, in accordance with chapter 54, to  
905 establish standards for such drug education programs.

906 (k) Any person whose employment or residence or schooling makes  
907 it unreasonable to attend a drug education program or substance abuse  
908 treatment program in this state may attend a program in another state  
909 that has standards similar to, or higher than, those of this state, subject  
910 to the approval of the court and payment of the program fee or costs as  
911 provided in this section.

912 (l) The court shall waive any fee or cost under subsection (b), (g) or  
913 (i) of this section for any person who (1) files with the court an affidavit  
914 of indigency or inability to pay, has such indigency confirmed by the  
915 Court Support Services Division and the court enters a finding thereof,  
916 or (2) has been determined indigent and eligible for representation by a  
917 public defender who has been appointed on behalf of such person  
918 pursuant to section 51-296. The court shall not require a person to

919 perform community service in lieu of payment of such fee or cost, if such  
920 fee or cost is waived.

921 Sec. 18. Subsection (f) of section 54-56j of the general statutes is  
922 repealed and the following is substituted in lieu thereof (*Effective October*  
923 *1, 2021*):

924 (f) The cost of participation in such program shall be paid by the  
925 parent or guardian of such student, except that no student shall be  
926 excluded from such program for inability to pay such cost provided (1)  
927 the parent or guardian of such student files with the court an affidavit  
928 of indigency or inability to pay [,] and [(2)] the court enters a finding  
929 thereof, or (2) the parent or guardian of such student has been  
930 determined indigent and such student is eligible for representation by a  
931 public defender who has been appointed on behalf of such student  
932 pursuant to section 51-296. The court shall not require a person to  
933 perform community service in lieu of payment of such cost, if such cost  
934 is waived.

935 Sec. 19. Subsection (i) of section 46b-38c of the general statutes is  
936 repealed and the following is substituted in lieu thereof (*Effective October*  
937 *1, 2021*):

938 (i) A nonrefundable application fee of one hundred dollars shall be  
939 paid to the court by any person who files a motion pursuant to  
940 subdivision (1) of subsection (h) of this section to participate in the  
941 pretrial family violence education program, and a fee of three hundred  
942 dollars shall be paid to the court by any person who enters the family  
943 violence education program, except that no person shall be excluded  
944 from such program for inability to pay any such fee, provided (1) the  
945 person files with the court an affidavit of indigency or inability to pay  
946 [,] and [(2)] the court enters a finding thereof, or (2) such person has been  
947 determined indigent and eligible for representation by a public  
948 defender who has been appointed on behalf of such person pursuant to  
949 section 51-296. The court shall not require a person to perform  
950 community service in lieu of payment of such fee, if such fee is waived.  
951 All such fees shall be credited to the General Fund.

952 Sec. 20. Section 17a-694 of the general statutes is repealed and the  
953 following is substituted in lieu thereof (*Effective October 1, 2021*):

954 (a) The Commissioner of Mental Health and Addiction Services or  
955 the commissioner's designee shall appoint one or more clinical  
956 examiners to conduct examinations for alcohol or drug dependency  
957 ordered pursuant to the provisions of section 17a-693. Each examiner  
958 shall be authorized by the department to conduct independent  
959 evaluations.

960 (b) (1) The examiner shall determine whether the person being  
961 examined was an alcohol-dependent or drug-dependent person at the  
962 time of the crime. The commissioner shall disclose to the examiner  
963 information contained in the Department of Mental Health and  
964 Addiction Service's database concerning the date that the person  
965 received treatment for alcohol or drug dependence, if at all, and the  
966 location where such treatment was provided, for the purpose of  
967 allowing the examiner to request a release of treatment information  
968 from the department for the person.

969 (2) If such person is determined to have been dependent on alcohol  
970 or drugs, the examiner shall further determine (A) the history and  
971 pattern of the dependency, and (B) whether the person presently needs  
972 and is likely to benefit from treatment for the dependency. If the  
973 examiner determines that the person presently needs and is likely to  
974 benefit from treatment, the examiner shall recommend treatment and  
975 state the date when space will be available in an appropriate treatment  
976 program, provided such date shall not be more than forty-five days  
977 from the date of the examination report. A recommendation for  
978 treatment shall include provisions for appropriate placement and the  
979 type and length of treatment and may include provisions for outpatient  
980 treatment.

981 (c) The examiner shall prepare and sign, without notarization, a  
982 written examination report and deliver it to the court, the Court Support  
983 Services Division, the state's attorney and defense counsel no later than  
984 thirty days after the examination was ordered. An examination report

985 ordered pursuant to this section and section 17a-693 shall otherwise be  
986 confidential and not open to public inspection or subject to disclosure.

987 (d) No statement made by the person in the course of an examination  
988 under the provisions of this section may be admitted in evidence on the  
989 issue of guilt in a criminal proceeding concerning the person.

990 (e) No person shall be denied an examination or participation in a  
991 program under this section for inability to pay any cost or fee associated  
992 with such examination or program, provided (1) the person files with  
993 the court an affidavit of indigency or inability to pay and the court enters  
994 a finding thereof, or (2) such person has been determined indigent and  
995 eligible for representation by a public defender who has been appointed  
996 on behalf of such person pursuant to section 51-296. The court shall not  
997 require a person to perform community service in lieu of payment of  
998 such cost or fee, if such cost or fee is waived.

999 Sec. 21. Section 17a-696 of the general statutes is repealed and the  
1000 following is substituted in lieu thereof (*Effective October 1, 2021*):

1001 (a) The provisions of this section shall not apply to any person  
1002 charged with a violation of section 14-227a, 14-227g or 14-227m,  
1003 subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-  
1004 56b or 53a-60d or with a class A, B or C felony or to any person who was  
1005 twice previously ordered treated under this section, subsection (i) of  
1006 section 17-155y, section 19a-386 or section 21a-284 of the general statutes  
1007 revised to 1989, or any combination thereof. The court may waive the  
1008 ineligibility provisions of this subsection for any person, except that the  
1009 court shall not waive the ineligibility provisions of this subsection for  
1010 any person charged with a violation of section 14-227a, 14-227g, 53a-56b  
1011 or 53a-60d if, at the time of the offense, such person was operating a  
1012 commercial vehicle, as defined in section 14-1, or held a commercial  
1013 driver's license or a commercial driver's instruction permit.

1014 (b) The court may order suspension of prosecution and order  
1015 treatment for alcohol or drug dependency as provided in this section  
1016 and sections 17a-697 and 17a-698 if it, after considering information

1017 before it concerning the alcohol or drug dependency of the person,  
1018 including the examination report made pursuant to the provisions of  
1019 section 17a-694, as amended by this act, finds that (1) the accused person  
1020 was an alcohol-dependent or drug-dependent person at the time of the  
1021 crime, (2) the person presently needs and is likely to benefit from  
1022 treatment for the dependency, and (3) suspension of prosecution will  
1023 advance the interests of justice. Treatment may begin no earlier than the  
1024 date the clinical examiner reports under the provisions of section 17a-  
1025 694, as amended by this act, that space is available in a treatment  
1026 program. Upon application by any such person for participation in a  
1027 treatment program, the court shall, but only as to the public, order the  
1028 court file sealed.

1029 (c) A suspension of prosecution ordered under the provisions of  
1030 subsection (b) of this section may be for a period not exceeding two  
1031 years. During the period of suspension, an accused person shall be  
1032 placed in the custody of the Court Support Services Division for  
1033 treatment for alcohol or drug dependency. The court or the Court  
1034 Support Services Division may require that the person (1) comply with  
1035 any of the conditions specified in subsections (a) and (b) of section 53a-  
1036 30, and (2) be tested for use of alcohol or drugs during the period of  
1037 suspension. The accused person shall, unless indigent, pay the cost of  
1038 treatment ordered under this section.

1039 (d) If prosecution is suspended under the provisions of subsection (b)  
1040 of this section, (1) the statute of limitations applicable to the crime  
1041 charged shall be tolled during the period of suspension, and (2) the  
1042 accused person shall be deemed to have waived such accused person's  
1043 right to a speedy trial for the crime charged.

1044 (e) The court shall not suspend prosecution under subsection (b) of  
1045 this section unless (1) the accused person has acknowledged that he or  
1046 she understands the consequences of the suspension of prosecution, (2)  
1047 the accused person has given notice, by registered or certified mail on a  
1048 form prescribed by the Chief Court Administrator, to the victim, if any,  
1049 of the crime of which the person is accused and of the pending motion



1050 for suspension of prosecution, (3) such victim, if any, has been given an  
1051 opportunity to be heard on the motion for suspension of prosecution,  
1052 and (4) the accused person, unless such accused person is indigent, has  
1053 paid to the clerk of the court an administration fee of twenty-five dollars.

1054 (f) If the prosecution is suspended, the person shall be released on a  
1055 written promise to appear or on a bond and any other bond posted in  
1056 any criminal proceeding concerning such person shall be terminated.

1057 (g) If the court denies the motion for suspension of prosecution, the  
1058 state's attorney may proceed with prosecution of the crime.

1059 (h) A person shall be deemed to be indigent for the purposes of this  
1060 section if the court determines the person (1) has an estate insufficient  
1061 to provide for the person's support or there is no other person legally  
1062 liable or able to support the person, or (2) the person has been  
1063 determined indigent and eligible for representation by a public  
1064 defender who has been appointed on behalf of such person pursuant to  
1065 section 51-296. The court shall not require a person to perform  
1066 community service in lieu of payment of any cost or fee, if a cost or fee  
1067 is waived due to indigency.

1068 Sec. 22. Section 21a-257 of the general statutes is repealed and the  
1069 following is substituted in lieu thereof (*Effective October 1, 2021*):

1070 (a) A person to whom or for whose use any narcotic drug has been  
1071 prescribed, sold or dispensed by a physician, dentist, pharmacist or  
1072 other person authorized under the provisions of section 21a-248, and the  
1073 owner of any animal for which any such drug has been prescribed, sold  
1074 or dispensed may lawfully possess it only in the container in which it  
1075 was delivered to the recipient by the person selling or dispensing the  
1076 same except as may be authorized by regulations adopted [hereunder]  
1077 in accordance with the provisions of chapter 54.

1078 (b) Any person who fails to keep such narcotic drug in the original  
1079 container as provided in subsection (a) of this section, except as  
1080 provided in subsection (c) of this section, shall be guilty of a class D

1081 misdemeanor.

1082 (c) The provisions of subsection (b) of this section shall not apply to  
1083 any person who in good faith places such narcotic drug in either a (1)  
1084 pill box, case or organizer stored within such person's residence, or (2)  
1085 secured or locked pill box, case or organizer, provided such pill box,  
1086 case or organizer is accompanied by proof of such person's prescription.

1087 Sec. 23. Section 51-164r of the general statutes is repealed and the  
1088 following is substituted in lieu thereof (*Effective October 1, 2021*):

1089 (a) Any person charged with an infraction who fails to pay the fine  
1090 and any additional fee imposed or send in [his] a plea of not guilty by  
1091 the answer date or wilfully fails to appear for any scheduled court  
1092 appearance date which may be required shall be guilty of [a class C  
1093 misdemeanor] an unclassified misdemeanor and may be sentenced to a  
1094 term of imprisonment of not more than ten days.

1095 (b) Any person charged with any violation specified in subsection (b)  
1096 of section 51-164n who fails to pay the fine and any additional fee  
1097 imposed or send in [his] a plea of not guilty by the answer date or  
1098 wilfully fails to appear for any scheduled court appearance date which  
1099 may be required shall be guilty of [a class A misdemeanor] an  
1100 unclassified misdemeanor and may be sentenced to a term of  
1101 imprisonment of not more than ten days.

1102 Sec. 24. Subdivision (1) of subsection (a) of section 18-98d of the  
1103 general statutes is repealed and the following is substituted in lieu  
1104 thereof (*Effective October 1, 2021*):

1105 (a) (1) (A) Any person who is confined to a community correctional  
1106 center or a correctional institution for an offense committed on or after  
1107 July 1, 1981, and prior to October 1, 2021, under a mittimus or because  
1108 such person is unable to obtain bail or is denied bail shall, if  
1109 subsequently imprisoned, earn a reduction of such person's sentence  
1110 equal to the number of days which such person spent in such facility  
1111 from the time such person was placed in presentence confinement to the

1112 time such person began serving the term of imprisonment imposed;  
1113 provided [(A)] (i) each day of presentence confinement shall be counted  
1114 only once for the purpose of reducing all sentences imposed after such  
1115 presentence confinement; and [(B)] (ii) the provisions of this section  
1116 shall only apply to a person for whom the existence of a mittimus, an  
1117 inability to obtain bail or the denial of bail is the sole reason for such  
1118 person's presentence confinement, except that if a person is serving a  
1119 term of imprisonment at the same time such person is in presentence  
1120 confinement on another charge and the conviction for such  
1121 imprisonment is reversed on appeal, such person shall be entitled, in  
1122 any sentence subsequently imposed, to a reduction based on such  
1123 presentence confinement in accordance with the provisions of this  
1124 section. In the case of a fine, each day spent in such confinement prior  
1125 to sentencing shall be credited against the sentence at a per diem rate  
1126 equal to the average daily cost of incarceration as determined by the  
1127 Commissioner of Correction.

1128 (B) Any person who is confined to a community correctional center  
1129 or a correctional institution for an offense committed on or after October  
1130 1, 2021, under a mittimus or because such person is unable to obtain bail  
1131 or is denied bail shall, if subsequently imprisoned, earn a reduction of  
1132 such person's sentence equal to the number of days which such person  
1133 spent in such facility from the time such person was placed in  
1134 presentence confinement to the time such person began serving the term  
1135 of imprisonment imposed; provided (i) each day of presentence  
1136 confinement shall be counted equally in reduction of any concurrent  
1137 sentence imposed for any offense pending at the time such sentence was  
1138 imposed; (ii) each day of presentence confinement shall be counted only  
1139 once in reduction of any consecutive sentence so imposed; and (iii) the  
1140 provisions of this section shall only apply to a person for whom the  
1141 existence of a mittimus, an inability to obtain bail or the denial of bail is  
1142 the sole reason for such person's presentence confinement, except that if  
1143 a person is serving a term of imprisonment at the same time such person  
1144 is in presentence confinement on another charge and the conviction for  
1145 which such imprisonment was imposed is reversed on appeal, such  
1146 person shall be entitled, in any sentence subsequently imposed, to a

1147 reduction based on such presentence confinement in accordance with  
1148 the provisions of this section. In the case of a fine, each day spent in such  
1149 confinement prior to sentencing shall be credited against the sentence at  
1150 a per diem rate equal to the average daily cost of incarceration as  
1151 determined by the Commissioner of Correction.

1152 Sec. 25. Section 21a-267 of the general statutes is repealed and the  
1153 following is substituted in lieu thereof (*Effective October 1, 2021*):

1154 (a) No person shall use or possess with intent to use drug  
1155 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,  
1156 propagate, cultivate, grow, harvest, manufacture, compound, convert,  
1157 produce, process, prepare, test, analyze, pack, repack, store, contain or  
1158 conceal, or to ingest, inhale or otherwise introduce into the human body,  
1159 any controlled substance, as defined in subdivision (9) of section 21a-  
1160 240, other than a cannabis-type substance in a quantity of less than one-  
1161 half ounce. Any person who violates any provision of this subsection  
1162 shall be guilty of a class C misdemeanor.

1163 (b) No person shall deliver, possess with intent to deliver or  
1164 manufacture with intent to deliver drug paraphernalia knowing, or  
1165 under circumstances where one reasonably should know, that it will be  
1166 used to plant, propagate, cultivate, grow, harvest, manufacture,  
1167 compound, convert, produce, process, prepare, test, analyze, pack,  
1168 repack, store, contain or conceal, or to ingest, inhale or otherwise  
1169 introduce into the human body, any controlled substance, other than a  
1170 cannabis-type substance in a quantity of less than one-half ounce. Any  
1171 person who violates any provision of this subsection shall be guilty of a  
1172 class A misdemeanor.

1173 (c) Any person who violates subsection (a) or (b) of this section [in or  
1174 on, or within one thousand five hundred feet of,] (1) with intent to  
1175 commit such violation at a specific location that the trier of fact  
1176 determines is (A) in or on the real property comprising a public or  
1177 private elementary or secondary school, or (B) within two hundred feet  
1178 of the perimeter of the real property comprising a public or private  
1179 elementary or secondary school, and (2) who is not enrolled as a student

1180 in such school shall be imprisoned for a term of one year which shall not  
1181 be suspended and shall be in addition and consecutive to any term of  
1182 imprisonment imposed for violation of subsection (a) or (b) of this  
1183 section.

1184 (d) No person shall (1) use or possess with intent to use drug  
1185 paraphernalia to plant, propagate, cultivate, grow, harvest,  
1186 manufacture, compound, convert, produce, process, prepare, test,  
1187 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or  
1188 otherwise introduce into the human body, less than one-half ounce of a  
1189 cannabis-type substance, or (2) deliver, possess with intent to deliver or  
1190 manufacture with intent to deliver drug paraphernalia knowing, or  
1191 under circumstances where one reasonably should know, that it will be  
1192 used to plant, propagate, cultivate, grow, harvest, manufacture,  
1193 compound, convert, produce, process, prepare, test, analyze, pack,  
1194 repack, store, contain or conceal, or to ingest, inhale or otherwise  
1195 introduce into the human body, less than one-half ounce of a cannabis-  
1196 type substance. Any person who violates any provision of this  
1197 subsection shall have committed an infraction.

1198 (e) The provisions of subsection (a) of this section shall not apply to  
1199 any person (1) who in good faith, seeks medical assistance for another  
1200 person who such person reasonably believes is experiencing an  
1201 overdose from the ingestion, inhalation or injection of intoxicating  
1202 liquor or any drug or substance, (2) for whom another person, in good  
1203 faith, seeks medical assistance, reasonably believing such person is  
1204 experiencing an overdose from the ingestion, inhalation or injection of  
1205 intoxicating liquor or any drug or substance, or (3) who reasonably  
1206 believes he or she is experiencing an overdose from the ingestion,  
1207 inhalation or injection of intoxicating liquor or any drug or substance  
1208 and, in good faith, seeks medical assistance for himself or herself, if  
1209 evidence of the use or possession of drug paraphernalia in violation of  
1210 said subsection was obtained as a result of the seeking of such medical  
1211 assistance. For the purposes of this subsection, "good faith" does not  
1212 include seeking medical assistance during the course of the execution of  
1213 an arrest warrant or search warrant or a lawful search.

1214 Sec. 26. Section 21a-278a of the general statutes is repealed and the  
1215 following is substituted in lieu thereof (*Effective October 1, 2021*):

1216 (a) Any person eighteen years of age or older who violates section  
1217 21a-277 or 21a-278, and who is not, at the time of such action, a drug-  
1218 dependent person, by distributing, selling, prescribing, dispensing,  
1219 offering, giving or administering any controlled substance to another  
1220 person who is under eighteen years of age and is at least two years  
1221 younger than such person who is in violation of section 21a-277 or 21a-  
1222 278, shall be imprisoned for a term of two years, which shall not be  
1223 suspended and shall be in addition and consecutive to any term of  
1224 imprisonment imposed for violation of section 21a-277 or 21a-278.

1225 (b) Any person who violates section 21a-277 or 21a-278 by  
1226 manufacturing, distributing, selling, prescribing, dispensing,  
1227 compounding, transporting with the intent to sell or dispense,  
1228 possessing with the intent to sell or dispense, offering, giving or  
1229 administering to another person any controlled substance [in or on, or  
1230 within one thousand five hundred feet of,] with intent to commit such  
1231 violation at a specific location that the trier of fact determines is (1) in or  
1232 on the real property comprising a (A) public or private elementary or  
1233 secondary school, [a] (B) public housing project, or [a] (C) licensed child  
1234 care center, as defined in section 19a-77, that is identified as a child care  
1235 center by a sign posted in a conspicuous place, or (2) within two  
1236 hundred feet of the perimeter of the real property comprising such (A)  
1237 public or private elementary or secondary school, (B) public housing  
1238 project, or (C) licensed child care center, shall be imprisoned for a term  
1239 of three years, which shall not be suspended and shall be in addition  
1240 and consecutive to any term of imprisonment imposed for violation of  
1241 section 21a-277 or 21a-278. To constitute a violation of this subsection,  
1242 an act of transporting or possessing a controlled substance shall be with  
1243 intent to sell or dispense in or on, or within [one thousand five] two  
1244 hundred feet of the perimeter of, the real property comprising a public  
1245 or private elementary or secondary school, a public housing project or a  
1246 licensed child care center, as defined in section 19a-77, that is identified  
1247 as a child care center by a sign posted in a conspicuous place. For the

1248 purposes of this subsection, "public housing project" means dwelling  
1249 accommodations operated as a state or federally subsidized multifamily  
1250 housing project by a housing authority, nonprofit corporation or  
1251 municipal developer, as defined in section 8-39, pursuant to chapter 128  
1252 or by the Connecticut Housing Authority pursuant to chapter 129.

1253 (c) Any person who employs, hires, uses, persuades, induces, entices  
1254 or coerces a person under eighteen years of age to violate section 21a-  
1255 277 or 21a-278 shall be imprisoned for a term of three years, which shall  
1256 not be suspended and shall be in addition and consecutive to any term  
1257 of imprisonment imposed for violation of section 21a-277 or 21a-278.

1258 Sec. 27. Section 21a-279 of the general statutes is repealed and the  
1259 following is substituted in lieu thereof (*Effective October 1, 2021*):

1260 (a) (1) Any person who possesses or has under such person's control  
1261 any quantity of any controlled substance, except less than one-half  
1262 ounce of a cannabis-type substance and except as authorized in this  
1263 chapter, shall be guilty of a class A misdemeanor.

1264 (2) For a second offense of subdivision (1) of this subsection, the court  
1265 shall evaluate such person and, if the court determines such person is a  
1266 drug-dependent person, the court may suspend prosecution of such  
1267 person and order such person to undergo a substance abuse treatment  
1268 program.

1269 (3) For any subsequent offense of subdivision (1) of this subsection,  
1270 the court may find such person to be a persistent offender for possession  
1271 of a controlled substance in accordance with section 53a-40, as amended  
1272 by this act.

1273 (b) Any person who violates subsection (a) of this section in or on, or  
1274 within [one thousand five] two hundred feet of [,] the perimeter of the  
1275 real property comprising a (1) public or private elementary or secondary  
1276 school and who is not enrolled as a student in such school, or [a] (2)  
1277 licensed child care center, as defined in section 19a-77, that is identified  
1278 as a child care center by a sign posted in a conspicuous place, shall be

1279 guilty of a class A misdemeanor and shall be sentenced to a term of  
1280 imprisonment and a period of probation during which such person shall  
1281 perform community service as a condition of such probation, in a  
1282 manner ordered by the court.

1283 (c) To the extent that it is possible, medical treatment rather than  
1284 criminal sanctions shall be afforded individuals who breathe, inhale,  
1285 sniff or drink the volatile substances described in subdivision (49) of  
1286 section 21a-240.

1287 (d) The provisions of subsection (a) of this section shall not apply to  
1288 any person (1) who in good faith, seeks medical assistance for another  
1289 person who such person reasonably believes is experiencing an  
1290 overdose from the ingestion, inhalation or injection of intoxicating  
1291 liquor or any drug or substance, (2) for whom another person, in good  
1292 faith, seeks medical assistance, reasonably believing such person is  
1293 experiencing an overdose from the ingestion, inhalation or injection of  
1294 intoxicating liquor or any drug or substance, or (3) who reasonably  
1295 believes he or she is experiencing an overdose from the ingestion,  
1296 inhalation or injection of intoxicating liquor or any drug or substance  
1297 and, in good faith, seeks medical assistance for himself or herself, if  
1298 evidence of the possession or control of a controlled substance in  
1299 violation of subsection (a) of this section was obtained as a result of the  
1300 seeking of such medical assistance. For the purposes of this subsection,  
1301 "good faith" does not include seeking medical assistance during the  
1302 course of the execution of an arrest warrant or search warrant or a lawful  
1303 search.

1304 (e) No provision of this section shall be construed to alter or modify  
1305 the meaning of the provisions of section 21a-278.

1306 Sec. 28. Section 53a-39 of the general statutes is repealed and the  
1307 following is substituted in lieu thereof (*Effective from passage*):

1308 (a) [At] Except as provided in subsection (b) of this section, at any  
1309 time during [the period of a definite sentence of three years or less] an  
1310 executed period of incarceration, the sentencing court or judge may,



1311 after hearing and for good cause shown, reduce the sentence, order the  
1312 defendant discharged, or order the defendant discharged on probation  
1313 or conditional discharge for a period not to exceed that to which the  
1314 defendant could have been originally sentenced.

1315 (b) At any time during the period of a [definite] sentence in which a  
1316 defendant has been sentenced to an executed period of incarceration of  
1317 more than [three] seven years as a result of a plea agreement, including  
1318 an agreement in which there is an agreed upon range of sentence, upon  
1319 agreement of the defendant and the state's attorney to seek review of the  
1320 sentence, the sentencing court or judge may, after hearing and for good  
1321 cause shown, reduce the sentence, order the defendant discharged, or  
1322 order the defendant discharged on probation or conditional discharge  
1323 for a period not to exceed that to which the defendant could have been  
1324 originally sentenced.

1325 (c) If, after a hearing pursuant to this section, the sentencing court or  
1326 judge denies a motion to reduce a defendant's sentence or discharge the  
1327 defendant, the defendant may not file a subsequent motion for relief  
1328 under this section until five years have elapsed from the date of the most  
1329 recent decision denying such defendant relief pursuant to this section.

1330 [(c)] (d) The provisions of this section shall not apply to any portion  
1331 of a sentence imposed that is a mandatory minimum sentence for an  
1332 offense which may not be suspended or reduced by the court.

1333 [(d)] (e) At a hearing held by the sentencing court or judge under this  
1334 section, such court or judge shall permit any victim of the crime to  
1335 appear before the court or judge for the purpose of making a statement  
1336 for the record concerning whether or not the sentence of the defendant  
1337 should be reduced, the defendant should be discharged or the  
1338 defendant should be discharged on probation or conditional discharge  
1339 pursuant to subsection (a) or (b) of this section. In lieu of such  
1340 appearance, the victim may submit a written statement to the court or  
1341 judge and the court or judge shall make such statement a part of the  
1342 record at the hearing. For the purposes of this subsection, "victim"  
1343 means the victim, the legal representative of the victim or a member of

1344 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	54-86(a)
Sec. 2	<i>October 1, 2021</i>	53a-83
Sec. 3	<i>October 1, 2021</i>	53a-84
Sec. 4	<i>October 1, 2021</i>	7-22
Sec. 5	<i>October 1, 2021</i>	7-81
Sec. 6	<i>October 1, 2021</i>	51-279b
Sec. 7	<i>October 1, 2021</i>	54-72
Sec. 8	<i>October 1, 2021</i>	54-73
Sec. 9	<i>October 1, 2021</i>	1-110a(f)
Sec. 10	<i>October 1, 2021</i>	53a-290
Sec. 11	<i>October 1, 2021</i>	53a-181f
Sec. 12	<i>October 1, 2021</i>	53a-189c
Sec. 13	<i>October 1, 2021</i>	53a-40(f) and (g)
Sec. 14	<i>October 1, 2021</i>	53a-39c(b)
Sec. 15	<i>October 1, 2021</i>	54-56e
Sec. 16	<i>October 1, 2021</i>	54-56g
Sec. 17	<i>October 1, 2021</i>	54-56i
Sec. 18	<i>October 1, 2021</i>	54-56j(f)
Sec. 19	<i>October 1, 2021</i>	46b-38c(i)
Sec. 20	<i>October 1, 2021</i>	17a-694
Sec. 21	<i>October 1, 2021</i>	17a-696
Sec. 22	<i>October 1, 2021</i>	21a-257
Sec. 23	<i>October 1, 2021</i>	51-164r
Sec. 24	<i>October 1, 2021</i>	18-98d(a)(1)
Sec. 25	<i>October 1, 2021</i>	21a-267
Sec. 26	<i>October 1, 2021</i>	21a-278a
Sec. 27	<i>October 1, 2021</i>	21a-279
Sec. 28	<i>from passage</i>	53a-39

**Statement of Legislative Commissioners:**

In Sections 4, 5, 7 and 8, references to the "office of the Attorney General" were replaced with references to the "Attorney General" for accuracy.

**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 22 \$	FY 23 \$
Attorney General	GF - Cost	163,800	169,533
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	67,649	70,017
Correction, Dept.; Judicial Dept. (Probation)	GF - See Below	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 makes various changes to criminal justice related statutes and results in the impact state below.

Section 8 is anticipated to result in costs to the Office of the Attorney General (OAG) of \$163,800 in FY 22 and \$169,533 in FY 23, and \$67,649 and \$70,017 respectively, for fringe benefits, associated with hiring an additional Assistant Attorney General and Paralegal to review and litigate the additional 200 - 300 new cases annually that fall under the bill's provisions. There are currently between 5,000 and 6,000 bond forfeitures annually, with 200-300 of cases litigated. In FY 19, the Chief State's Attorney Office (CSAO) collected on 350 forfeited bonds in the amount of \$1,110,975; in FY 18, CSAO collected on 322 forfeited bonds

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.3% of payroll in FY 22 and FY 23.

in the amount of \$1,307,925.

Sections 10-12, 17, and 22 increases the penalties for various violations including vendor fraud, unlawful dissemination of an intimate image, electronic stalking, and failure to keep narcotics in the original container and results in potential revenue from fines and potential cost for incarceration and probation. On average, the marginal cost to the state for incarcerating an offender for the year is \$2,200<sup>2</sup> while the average marginal cost for supervision in the community is less than \$700<sup>3</sup> each year.

Sections 23, 25-27 reduce the penalties including for failure to pay or respond to infractions and reduces the scope of laws for illegal drug actives in drug free zones and results in potential revenue loss from fines and potential savings from reduced incarceration or probation.

Sections 1-7, 9, 13-21, 24, and 28 make various changes that do not result in a fiscal impact.

### ***The Out Years***

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

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<sup>2</sup> 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.

<sup>3</sup> 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.

**OLR Bill Analysis****sHB 6594****AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.**

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*Changes "patronizing a prostitute" to "soliciting sexual acts"*

[§§ 4-8 – TRANSFER OF CERTAIN CIVIL DUTIES TO ATTORNEY  
GENERAL FROM DIVISION OF CRIMINAL JUSTICE](#)

*Transfers several civil duties from DCJ to the attorney general, including investigations to remove a town clerk or treasurer and civil actions to recover certain penalties, forfeitures, and fines for the state; eliminates the requirement that the chief state's attorney establish a bond forfeiture unit*

[§ 9 – PENSION REVOCATION NOTICE](#)

*Requires prosecutors to notify the attorney general of certain proceedings involving pension revocation for public employees and eliminates this notice requirement for federal court proceedings*

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### §§ 14-21 — FEE WAIVERS FOR DIVERSIONARY PROGRAMS OR TREATMENTS

*Waives, for certain indigent individuals a public defender represents, the fee for certain diversionary programs and treatments and prohibits courts from requiring community service in lieu of any fees for indigent persons*

### §§ 17 & 22 — NARCOTIC DRUG STORAGE

*Adds a penalty for failure to keep a narcotic in the original container and allows violators to take the pretrial drug education and community service program*

### § 23 — FINE FOR FAILING TO PAY OR ACT FOR CERTAIN INFRACTIONS OR VIOLATIONS

*Reduces certain penalties when a person fails to pay or respond to infractions or violations*

### § 24 — PRE-SENTENCE CONFINEMENT CREDIT

*Allows for pre-sentence confinement credit on concurrent sentences and that consecutive sentences are only counted once*

### §§ 25-27 — SALE OR POSSESSION OF DRUGS IN DRUG-FREE ZONES

*Reduces the (1) scope of laws enhancing the penalties for illegal drug activities in drug-free zones and (2) size of these zones from 1,500 to 200 feet*

### § 28 — SENTENCE MODIFICATIONS

*Expands eligibility for sentence modification by allowing the court, without an agreement between the defendant and the state, to modify sentences, including those under plea agreements with seven years or less of actual incarceration*

EFFECTIVE DATE: October 1, 2021, except the sentence modification provisions (§ 28) are effective upon passage.

### **§ 1 — DEPOSITIONS FOR THOSE INFIRM AND AGE 75 AND OLDER**

*Allows the state to depose individuals who are infirm and age 75 and older in certain trials*

The bill allows the state to ask the Superior Court or judge to depose witnesses who are infirm and age 75 and older in any case involving an offense where the punishment may be imprisonment of more than one year.

Current law allows these witness depositions to be taken before a commissioner or magistrate that the court or judge designates. The bill also allows these depositions to be before a judge. As under existing law, depositions occur if it appears the witness's testimony will be required at trial and he or she will be unable to testify at trial.

### **§§ 2 & 3 — SOLICITING SEXUAL ACTS**

*Changes "patronizing a prostitute" to "soliciting sexual acts"*

The bill changes the crime of "patronizing a prostitute" to "soliciting sexual acts."

#### **§§ 4-8 – TRANSFER OF CERTAIN CIVIL DUTIES TO ATTORNEY GENERAL FROM DIVISION OF CRIMINAL JUSTICE**

*Transfers several civil duties from DCJ to the attorney general, including investigations to remove a town clerk or treasurer and civil actions to recover certain penalties, forfeitures, and fines for the state; eliminates the requirement that the chief state's attorney establish a bond forfeiture unit*

The bill transfers several civil duties from the Division of Criminal Justice (DCJ) to the Attorney General's Office.

#### ***Investigations to Remove Town Clerks and Treasurers (§§ 4 & 5)***

The bill transfers the requirement that a state's attorney investigate a town clerk or treasurer for removal, to the attorney general. As under current law for state's attorneys, the bill requires the attorney general to, among other things, investigate charges of misconduct, willful and material neglect of duty, or incompetent conduct. Additionally, the attorney general has the power to, among other things, summon witnesses, require the production of necessary documents, and represent the state in removal hearings.

#### ***Fines and Forfeitures (§§ 6-8)***

The bill transfers, from the state's attorney to the attorney general, (1) the responsibility to collect and pay to the state treasurer any forfeitures that accrue to the state and (2) the ability to bring a civil action to recover certain statutorily imposed penalties, forfeitures, and fines for the state. By law, all Superior Court-imposed fines, forfeitures, and penalties, unless the law otherwise specifies, belong to the state.

The bill eliminates the requirement that the chief state's attorney (1) establish a bond forfeiture unit within DCJ and (2) develop uniform standards for compromising and settling forfeited bonds on a statewide basis. Under current law, the unit is responsible for collecting all forfeited bonds to the state and can compromise and settle forfeited bonds for a lesser amount.

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**§ 9 – PENSION REVOCATION NOTICE**

*Requires prosecutors to notify the attorney general of certain proceedings involving pension revocation for public employees and eliminates this notice requirement for federal court proceedings*

Under current law, the attorney general must notify the prosecutor when the defendant in a state or federal court criminal proceeding is a public official or state or municipal employee charged with a crime related to his or her office for purposes of pension revocation. The bill instead requires the prosecutor to notify the attorney general of the proceeding and eliminates the requirement for this notice for federal court proceedings. It also requires the attorney general to pursue the remedies under the pension revocation law (e.g., fines, restitutions, or other monetary orders paid from the official's or employee's pension).

**§ 10 – VENDOR FRAUD**

*Expands the definition of vendor fraud to include instances where the person has intent to defraud the state or the beneficiary and has knowledge of an event that would result in lower benefit payments*

Under current law, vendor fraud is when a person, acting on their own or on an entity's behalf, provides goods or services to public assistance beneficiaries (including Medicaid) with the intent to defraud either the state or the beneficiary. The bill expands the circumstances that constitute vendor fraud to include instances where the person has knowledge of the occurrence of any event affecting (1) his or her initial or continued right to the benefit or payment, or (2) the initial or continued right to the benefit or payment of any beneficiary he or she applied for or is receiving the benefit or payment for, and the person conceals or does not disclose the event intending to fraudulently secure the benefit or payment either in a greater amount or quantity than is due or when no benefit or payment is allowed.

By law, there are six degrees of vendor fraud, with penalties ranging from a class C misdemeanor (punishable by up to three months imprisonment, up to a \$500 fine, or both) to a class B felony (punishable by up to 20 years imprisonment, up to a \$15,000 fine, or both), depending on the amount of goods or services involved.



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**§ 11 – ELECTRONIC STALKING**

*Increases the penalty for electronic stalking and requires a person to intentionally take certain actions to be considered guilty*

Under current law, a person is guilty of electronic stalking when he or she recklessly causes another person to reasonably fear for his or her physical safety by willfully and repeatedly using a global positioning system or similar electronic monitoring system to remotely determine or track the person's position or movement. The bill instead requires a person to intend to kill, injure, harass, intimidate, or place under surveillance another person or use an interactive computer service or electronic communication service, electronic communication system, or electronic monitoring system to (1) place the other person or the other person's immediate family member or intimate partner in a reasonable fear of death of or serious bodily injury or (2) cause, attempt to cause, or be reasonably expected to cause substantial emotional distress to the other person.

The bill increases the penalty from a class B misdemeanor (punishable by up to six months imprisonment, up to a \$1,000 fine, or both) to a class D felony (punishable by up to five years imprisonment, up to a \$5,000 fine, or both).

**§ 12 – INTIMATE IMAGES**

*Specifies what is considered "harm" for distributing intimate images; prohibits dissemination when the other person is not identifiable but there is other identifying information included; and increases the penalty when dissemination is to more than one person over certain electronic platforms*

**"Harm"**

By law, a person is guilty of unlawful dissemination of an intimate image when the person intentionally disseminates an intimate image without the other person's consent, knowing that the other person believed the image would not be disseminated, and the other person suffers harm because of the dissemination.

The bill specifies "harm" includes subjecting the other person to hatred, contempt, ridicule, physical or financial injury, psychological harm, or serious emotional distress.

**Identifiable Information**

Under current law, there are certain circumstances where disseminating these images is not a crime, including, among others, when the other person is not clearly identifiable. But under the bill, the exemption does not apply if there is personally identifying information associated with or accompanying the image.

**Increased Penalty**

The bill increases the penalty, from a class A misdemeanor (punishable by up to one year imprisonment, up to a \$2,000 fine, or both) to a class D felony if the unlawful dissemination is to more than one person by means of an interactive computer service, an information service, or a telecommunications service.

Under the bill, “interactive computer service” means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet, and the systems libraries or educational institutions operate or offer services for (47 U.S.C. § 230).

“Information service” means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but excludes any use of any such capability for managing, controlling, or operating a telecommunications system or managing a telecommunications service (47 U.S.C. § 153).

“Telecommunications service” means any transmission in one or more geographic areas (1) between or among points the user specifies; (2) of information of the user’s choosing; (3) without change in the information’s form or content as sent and received; (4) by electromagnetic transmission means, including fiber optics, microwave, and satellite; (5) with or without benefit of any closed transmission medium; and (6) including all instrumentalities, facilities, apparatus, and services, except customer premises equipment, which are used for

collecting, storing, forwarding, switching, and delivering such information and are essential to the transmission (CGS § 16-247a).

### **§ 13 – SENTENCING PERSISTENT OFFENDERS**

*Limits the look-back period for controlled substance possession and certain felonies to 10 years for persistent offenders and expands the exemption for these felony offenders to include class E felonies*

By law, to be considered a persistent offender a person must (1) stand convicted of certain crimes and (2) have a prior conviction of certain crimes. The bill limits the look-back period for qualifying felonies for prior convictions to 10 years for controlled substance possession violations and certain felonies.

Under current law, a persistent offender for possession of a controlled substance is someone convicted of a controlled substance possession violation who has two prior controlled substance possession convictions. The bill limits the look-back to 10 years.

Under current law, a persistent felony offender is someone convicted of a felony, other than a class D felony, and who has been convicted twice previously of these felonies. The bill (1) extends the exemption to also include class E felonies (punishable by up to three years imprisonment, up to a \$3,500 fine, or both) and (2) limits the look-back period to 10 years.

### **§§ 14-21 – FEE WAIVERS FOR DIVERSIONARY PROGRAMS OR TREATMENTS**

*Waives, for certain indigent individuals a public defender represents, the fee for certain diversionary programs and treatments and prohibits courts from requiring community service in lieu of any fees for indigent persons*

#### ***Fee Waivers***

For individuals, and students' parents or guardians, as applicable, who are indigent and eligible for a public defender, the bill waives the fees for certain diversionary programs. In certain programs, it also eliminates the requirement that good cause be shown or that the fee would cause economic hardship. The bill waives the fees for the following programs:

1. community service labor program (CGS § 53a-39c),
2. accelerated pretrial rehabilitation (CGS § 54-56e),
3. pretrial alcohol education programs for certain motor vehicle violations (CGS § 54-56g),
4. pretrial drug education and community service program for certain dependency-producing drug offenses (CGS § 54-56i),
5. pretrial school violence prevention program (CGS § 54-56j), and
6. pretrial family violence education program (CGS § 46b-38c).

Under existing law, indigent individuals are exempt from these program fees upon the filing of indigent status, its confirmation, and entering the finding.

The bill prohibits anyone from being denied a Department of Mental Health and Addiction Services clinical examiner examination due to inability to pay the associated fees or costs of the exam or program. The bill waives the fees though the processes described above.

Under current law, a person granted suspended prosecution for drug or alcohol dependence treatment may be deemed indigent if the court determines the person has an estate insufficient to provide for the person's support or there is no other person legally liable or able to support the person. The bill also allows individuals to be deemed indigent if they have been determined indigent and eligible for a public defender to be appointed on their behalf.

The bill makes minor, technical, and conforming changes.

### ***Community Service Prohibition***

Additionally, the bill prohibits the court from requiring community service in lieu of paying the fee if waived for any of the programs described above.

## **§§ 17 & 22 – NARCOTIC DRUG STORAGE**

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*Adds a penalty for failure to keep a narcotic in the original container and allows violators to take the pretrial drug education and community service program*

### **Penalty**

By law, a person who legally has any narcotic drug may only possess it in the container was delivered in. The bill makes anyone who fails to do this guilty of a class D misdemeanor (punishable by up to 30 days imprisonment, up to a \$250 fine, or both). Under current law, a person violating a dependency-producing drug provision without a specified penalty is subject to, for (1) a first offense, a fine of up to \$3,500, imprisonment of up to two years, or both; and (2) any subsequent offense, a class C felony (punishable by up to 10 years imprisonment, up to a \$10,000 fine, or both).

The bill's penalties do not apply to anyone who in good faith places the narcotic in either a (1) pill box, case, or organizer stored within his or her residence, or (2) secured or locked pill box, case, or organizer, if these objects are accompanied by proof of the person's prescription.

### **Pretrial Drug Education and Community Service Program**

The bill allows certain individuals charged with improper storage to take the pretrial drug education and community service program. As under existing law, individuals are generally ineligible to participate if they have already previously participated twice in this program, or its predecessor or community service programs. The program has a \$100 application fee, \$150 evaluation fee, and \$600 program fee, unless waived (see above).

Among other things, the program consists of 15 sessions of drug education, at least 15 sessions of substance abuse treatment, and community service. As under existing law, if a person successfully completes the program, the court dismisses the charges, but those who do not complete the program must return to court to face the original charges.

### **§ 23 – FINE FOR FAILING TO PAY OR ACT FOR CERTAIN INFRINGEMENTS OR VIOLATIONS**

*Reduces certain penalties when a person fails to pay or respond to infractions or violations*

Under current law, a person charged with an infraction who fails to pay the fine and additional fee, fails to send in a plea of not guilty by the answer date, or willfully fails to appear at a required scheduled court appearance date is guilty of a class C misdemeanor. But for certain infractions or violations, failing to pay the fine and fees, failing to send in a timely plea, or willfully failing to appear in court is a class A misdemeanor. The bill reduces these penalties to an unclassified misdemeanor for which violators may be subject to up to 10 days imprisonment.

#### **§ 24 – PRE-SENTENCE CONFINEMENT CREDIT**

*Allows for pre-sentence confinement credit on concurrent sentences and that consecutive sentences are only counted once*

Under the bill, anyone who is confined in a community correctional center or a correctional institution for an offense committed on or after October 1, 2021, under a mittimus (an order to arrest and bring a person before the court) or because the person is unable to obtain bail or is denied bail, must, if subsequently imprisoned, have their sentence reduced by the number of days they spent in pre-sentence confinement.

In calculating these credits, each day of pre-sentence confinement is counted (1) equally in reducing any concurrent sentence imposed for any offense pending at the time the sentence was imposed, but (2) only once in reducing any imposed consecutive sentence.

These provisions apply only to people whose inability to obtain bail or bail denial is the sole reason for their presentence confinement. However, if a person is imprisoned at the same time he or she is in presentence confinement on another charge and the conviction for the imprisonment is reversed on appeal, the person is entitled, in any subsequent sentencing, to a reduction based on the presentence confinement.

Under the bill, in the case of a fine, each day spent confined before sentencing is credited against the sentence at a per diem rate equal to the average daily cost of incarceration as the correction commissioner determines.

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**§§ 25-27 — SALE OR POSSESSION OF DRUGS IN DRUG-FREE ZONES**

*Reduces the (1) scope of laws enhancing the penalties for illegal drug activities in drug-free zones and (2) size of these zones from 1,500 to 200 feet*

This bill reduces the scope of laws enhancing the penalties for illegal drug activities near schools, licensed child care centers, and public housing projects (i.e., drug-free zones). It reduces the size of these zones from 1,500 to 200 feet and specifies that they are measured from the perimeter of the property.

The bill also provides that for the enhanced penalty to apply for some of these crimes, the offender must commit the crime with the intent to do so in a specific location which the trier of fact (i.e., the jury or judge) determines is within the zone. This applies to violations involving drug paraphernalia or illegal drug sales and related crimes (such as possession with intent to sell), but not to illegal possession. To the extent this provision applies to illegal drug sales and related crimes, it codifies case law (see *Background- Related Cases*).

Drug-free zones, which the bill reduces from 1,500 to 200 feet, generally require a mandatory sentence, in addition and consecutive to any prison term imposed for the underlying crime, as follows:

1. one year for various drug paraphernalia crimes near a public or private elementary or secondary school when the defendant is not enrolled as a student there;
2. class A misdemeanor with a required prison and probation sentence for possessing illegal drugs near a public or private elementary or secondary school when the defendant is not enrolled as a student there, or near a licensed child care center identified by a conspicuous sign; or
3. three years for selling illegal drugs, transporting or possessing them with intent to sell, or related crimes near a (a) public or private elementary or secondary school, (b) licensed child care center identified by a conspicuous sign, or (c) public housing

project.

### ***Exceptions to Enhanced Penalties; Departing From a Mandatory Minimum***

By law, the enhanced penalties do not apply to (1) drug paraphernalia-related actions involving less than one-half ounce of marijuana or (2) possessing less than one-half ounce of marijuana.

Also, judges can impose less than the law's mandatory minimum sentence under the laws described above when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon, or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence and (2) departing from the mandatory minimum (CGS § 21a-283a).

### ***Background - Related Cases***

In a series of cases, the Connecticut Supreme Court has interpreted the statute setting enhanced penalties for drug sales and related crimes in drug-free zones as requiring the state to prove that the defendant intended to sell drugs at a specific location within such a zone. The state does not have to prove that the defendant knew that the location was within such a zone (see *State v. Denby*, 235 Conn. 477 (1995); *State v. Hedge*, 297 Conn. 621 (2010); *State v. Lewis*, 303 Conn. 760 (2012)).

## **§ 28 – SENTENCE MODIFICATIONS**

*Expands eligibility for sentence modification by allowing the court, without an agreement between the defendant and the state, to modify sentences, including those under plea agreements with seven years or less of actual incarceration*

The bill expands eligibility for sentence modification (i.e., sentence reduction, defendant discharge, or placement of the defendant on probation or conditional discharge). Current law requires both the defendant and prosecutors to agree for the court to hold a modification hearing when the defendant's entire sentence exceeds three years.



The bill allows the court, without an agreement between the defendant and the state, to modify plea agreements, including those with an agreed upon sentence range, which include seven years or less of actual incarceration. The bill requires such an agreement if the plea is over seven years. As under existing law, there must be a hearing and good cause shown. In addition, the bill allows defendants whose sentence is a result of a trial to move for sentence modification without an agreement, regardless of sentence length.

The bill prohibits the defendant from filing a subsequent motion for relief under these provisions until five years after the date of the most recent decision denying him or her relief by a sentence reduction or discharge.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 32    Nay 5    (04/05/2021)