



# House of Representatives

**File No. 707**

General Assembly

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January Session, 2021 **(Reprint of File No. 580)**

Substitute House Bill No. 6594  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 20, 2021

***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2 repealed and the following is substituted in lieu thereof (*Effective October*  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 Section 53a-83 of the general statutes is repealed and the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 Section 53a-84 of the general statutes is repealed and the  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. Subsection (f) of section 1-110a of the general statutes is  
131 repealed and the following is substituted in lieu thereof (*Effective October*  
132 *1, 2021*):

133 (f) In all criminal proceedings in state [or federal] court in which the  
134 defendant is a public official or a state or municipal employee who is  
135 charged with a crime related to state or municipal office, the [Attorney  
136 General] state prosecutor shall notify the [prosecutor of the existence of]  
137 Attorney General of such proceedings and the Attorney General shall  
138 pursue remedies under the pension revocation statute, [and] including  
139 the possibility that any fine, restitution or other monetary order made  
140 by the court [may] be paid from such official's or employee's pension.

141 Sec. 7. Section 53a-290 of the general statutes is repealed and the  
142 following is substituted in lieu thereof (*Effective October 1, 2021*):

143 A person commits vendor fraud when, with intent to defraud and  
144 acting on such person's own behalf or on behalf of an entity, such person

145 provides goods or services to a beneficiary under sections 17b-22, 17b-  
146 75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-180a, 17b-183,  
147 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, 17b-357 to  
148 17b-361, inclusive, 17b-600 to 17b-604, inclusive, 17b-749, 17b-807 and  
149 17b-808 or provides services to a recipient under Title XIX of the Social  
150 Security Act, as amended, and, (1) presents for payment any false claim  
151 for goods or services performed; (2) accepts payment for goods or  
152 services performed, which exceeds either the amounts due for goods or  
153 services performed, or the amounts authorized by law for the cost of  
154 such goods or services; (3) solicits to perform services for or sell goods  
155 to any such beneficiary, knowing that such beneficiary is not in need of  
156 such goods or services; (4) sells goods to or performs services for any  
157 such beneficiary without prior authorization by the Department of  
158 Social Services, when prior authorization is required by said department  
159 for the buying of such goods or the performance of any service; [or] (5)  
160 accepts from any person or source other than the state an additional  
161 compensation in excess of the amount authorized by law; or (6) having  
162 knowledge of the occurrence of any event affecting (A) his or her initial  
163 or continued right to any such benefit or payment, or (B) the initial or  
164 continued right to any such benefit or payment of any other individual  
165 in whose behalf he or she has applied for or is receiving such benefit or  
166 payment, conceals or fails to disclose such event with an intent to  
167 fraudulently secure such benefit or payment either in a greater amount  
168 or quantity than is due or when no such benefit or payment is  
169 authorized.

170 Sec. 8. Section 53a-181f of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective October 1, 2021*):

172 (a) A person is guilty of electronic stalking when such person,  
173 [recklessly causes another person to reasonably fear for his or her  
174 physical safety by wilfully and repeatedly using a global positioning  
175 system or similar electronic monitoring system to remotely determine  
176 or track the position or movement of such other person] with the intent  
177 to kill, injure, harass or intimidate, uses any interactive computer service  
178 or electronic communication service, electronic communication system

179 or electronic monitoring system to place another person under  
180 surveillance or otherwise to engage in a course of conduct that: (1)  
181 Places such other person in reasonable fear of the death of or serious  
182 bodily injury to (A) such person, (B) an immediate family member of  
183 such person, or (C) an intimate partner of such person; or (2) causes,  
184 attempts to cause or would be reasonably expected to cause substantial  
185 emotional distress to a person described in subparagraph (A), (B) or (C)  
186 of subdivision (1) of this subsection.

187 (b) For purposes of subsection (a) of this section, (1) "immediate  
188 family member" means (A) a spouse, parent, brother or sister or a child  
189 of the person or person to whom the person stands in loco parentis, or  
190 (B) any person living in the household and related to the person by  
191 blood or marriage, and (2) "intimate partner" means a (A) former  
192 spouse, (B) person who has a child in common with the person  
193 regardless of whether they are or have been married or are living or  
194 have lived together at any time, or (C) person in, or who has recently  
195 been in, a dating relationship with the person.

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

197 Sec. 9. Section 53a-189c of the general statutes is repealed and the  
198 following is substituted in lieu thereof (*Effective October 1, 2021*):

199 (a) A person is guilty of unlawful dissemination of an intimate image  
200 when (1) such person intentionally disseminates by electronic or other  
201 means a photograph, film, videotape or other recorded image of (A) the  
202 genitals, pubic area or buttocks of another person with less than a fully  
203 opaque covering of such body part, or the breast of such other person  
204 who is female with less than a fully opaque covering of any portion of  
205 such breast below the top of the nipple, or (B) another person engaged  
206 in sexual intercourse, as defined in section 53a-193, (2) such person  
207 disseminates such image without the consent of such other person,  
208 knowing that such other person understood that the image would not  
209 be so disseminated, and (3) such other person suffers harm as a result of  
210 such dissemination. For purposes of this subsection, "disseminate"

211 means to sell, give, provide, lend, trade, mail, deliver, transfer, publish,  
212 distribute, circulate, present, exhibit, advertise or otherwise offer, and  
213 "harm" includes, but is not limited to, subjecting such other person to  
214 hatred, contempt, ridicule, physical injury, financial injury,  
215 psychological harm or serious emotional distress.

216 (b) The provisions of subsection (a) of this subsection shall not apply  
217 to:

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

222 (2) Any image described in subsection (a) of this section of such other  
223 person, if such other person is not clearly identifiable, unless other  
224 personally identifying information is associated with or accompanies  
225 the image; or

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

228 (c) Unlawful dissemination of an intimate image [is a class A  
229 misdemeanor] to (1) a person by any means is a class A misdemeanor,  
230 and (2) more than one person by means of an interactive computer  
231 service, as defined in 47 USC 230, an information service, as defined in  
232 47 USC 153, or a telecommunications service, as defined in section 16-  
233 247a, is a class D felony.

234 (d) Nothing in this section shall be construed to impose liability on  
235 the provider of an interactive computer service, as defined in 47 USC  
236 230, an information service, as defined in 47 USC 153, or a  
237 telecommunications service, as defined in section 16-247a, for content  
238 provided by another person.

239 Sec. 10. Subsections (f) and (g) of section 53a-40 of the general statutes  
240 are repealed and the following is substituted in lieu thereof (*Effective*



241 October 1, 2021):

242 (f) A persistent offender for possession of a controlled substance is a  
243 person who (1) stands convicted of possession of a controlled substance  
244 in violation of the provisions of section 21a-279, as amended by this act,  
245 and (2) has been, at separate times prior to the commission of the present  
246 possession of a controlled substance, twice convicted of the crime of  
247 possession of a controlled substance during the ten years prior to the  
248 commission of the present violation of section 21a-279, as amended by  
249 this act.

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

255 Sec. 11. Subsection (b) of section 53a-39c of the general statutes is  
256 repealed and the following is substituted in lieu thereof (*Effective October*  
257 *1, 2021*):

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

270 Sec. 12. Section 54-56e of the general statutes is repealed and the  
271 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

278 (b) The court may, in its discretion, invoke such program on motion  
279 of the defendant or on motion of a state's attorney or prosecuting  
280 attorney with respect to a defendant (1) who, the court believes, will  
281 probably not offend in the future, (2) who has no previous record of  
282 conviction of a crime or of a violation of section 14-196, subsection (c) of  
283 section 14-215, section 14-222a, subsection (a) or subdivision (1) of  
284 subsection (b) of section 14-224, section 14-227a or 14-227m or  
285 subdivision (1) or (2) of subsection (a) of section 14-227n, and (3) who  
286 states under oath, in open court or before any person designated by the  
287 clerk and duly authorized to administer oaths, under the penalties of  
288 perjury, (A) that the defendant has never had such program invoked on  
289 the defendant's behalf or that the defendant was charged with a  
290 misdemeanor or a motor vehicle violation for which a term of  
291 imprisonment of one year or less may be imposed and ten or more years  
292 have passed since the date that any charge or charges for which the  
293 program was invoked on the defendant's behalf were dismissed by the  
294 court, or (B) with respect to a defendant who is a veteran, that the  
295 defendant has not had such program invoked in the defendant's behalf  
296 more than once previously, provided the defendant shall agree thereto  
297 and provided notice has been given by the defendant, on a form  
298 prescribed by the Office of the Chief Court Administrator, to the victim  
299 or victims of such crime or motor vehicle violation, if any, by registered  
300 or certified mail and such victim or victims have an opportunity to be  
301 heard thereon. Any defendant who makes application for participation  
302 in such program shall pay to the court an application fee of thirty-five  
303 dollars, except as provided in subsection (g) of this section. No  
304 defendant shall be allowed to participate in the pretrial program for  
305 accelerated rehabilitation more than two times. For the purposes of this

306 section, "veteran" means any person who was discharged or released  
307 under conditions other than dishonorable from active service in the  
308 armed forces as defined in section 27-103.

309 (c) This section shall not be applicable: (1) To any person charged  
310 with (A) a class A felony, (B) a class B felony, except a violation of  
311 subdivision (1), (2) or (3) of subsection (a) of section 53a-122 that does  
312 not involve the use, attempted use or threatened use of physical force  
313 against another person, or a violation of subdivision (4) of subsection (a)  
314 of section 53a-122 that does not involve the use, attempted use or  
315 threatened use of physical force against another person and does not  
316 involve a violation by a person who is a public official, as defined in  
317 section 1-110, or a state or municipal employee, as defined in section 1-  
318 110, or (C) a violation of section 53a-70b of the general statutes, revision  
319 of 1958, revised to January 1, 2019, or section 14-227a or 14-227m,  
320 subdivision (1) or (2) of subsection (a) of section 14-227n, subdivision (2)  
321 of subsection (a) of section 53-21 or section 53a-56b, 53a-60d, 53a-70, 53a-  
322 70a, 53a-71, except as provided in subdivision (5) of this subsection, 53a-  
323 72a, 53a-72b, 53a-90a, 53a-196e or 53a-196f, (2) to any person charged  
324 with a crime or motor vehicle violation who, as a result of the  
325 commission of such crime or motor vehicle violation, causes the death  
326 of another person, (3) to any person accused of a family violence crime  
327 as defined in section 46b-38a who (A) is eligible for the pretrial family  
328 violence education program established under section 46b-38c, as  
329 amended by this act, or (B) has previously had the pretrial family  
330 violence education program invoked in such person's behalf, (4) to any  
331 person charged with a violation of section 21a-267, as amended by this  
332 act, or 21a-279, as amended by this act, who (A) is eligible for the pretrial  
333 drug education and community service program established under  
334 section 54-56i, as amended by this act, or (B) has previously had the  
335 pretrial drug education program or the pretrial drug education and  
336 community service program invoked on such person's behalf, (5) unless  
337 good cause is shown, to (A) any person charged with a class C felony,  
338 or (B) any person charged with committing a violation of subdivision  
339 (1) of subsection (a) of section 53a-71 while such person was less than

340 four years older than the other person, (6) to any person charged with a  
341 violation of section 9-359 or 9-359a, (7) to any person charged with a  
342 motor vehicle violation (A) while operating a commercial motor vehicle,  
343 as defined in section 14-1, or (B) who holds a commercial driver's license  
344 or commercial driver's instruction permit at the time of the violation, (8)  
345 to any person charged with a violation of subdivision (6) of subsection  
346 (a) of section 53a-60, or (9) to a health care provider or vendor  
347 participating in the state's Medicaid program charged with a violation  
348 of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

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

374 community in which the offense or violation occurred. If the court  
375 determines that community service is appropriate, such community  
376 service may be implemented by a community court established in  
377 accordance with section 51-181c if the offense or violation occurred  
378 within the jurisdiction of a community court established by said section.  
379 If the defendant is charged with a violation of section 46a-58, 53-37a,  
380 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of  
381 such probation the defendant participate in a hate crimes diversion  
382 program as provided in subsection (e) of this section. If a defendant is  
383 charged with a violation of section 53-247, the court may order that as a  
384 condition of such probation the defendant undergo psychiatric or  
385 psychological counseling or participate in an animal cruelty prevention  
386 and education program provided such a program exists and is available  
387 to the defendant.

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

406 (f) If a defendant released to the custody of the Court Support  
407 Services Division satisfactorily completes such defendant's period of

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

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

435 Sec. 13. Section 54-56g of the general statutes is repealed and the  
436 following is substituted in lieu thereof (*Effective October 1, 2021*):

437 (a) (1) There shall be a pretrial alcohol education program for persons  
438 charged with a violation of section 14-227a, 14-227g or 14-227m,  
439 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-  
440 133 or 15-140n. Upon application by any such person for participation

441 in such program, the court shall, but only as to the public, order the  
442 court file sealed, and such person shall pay to the court an application  
443 fee of one hundred dollars and a nonrefundable evaluation fee of one  
444 hundred dollars, except as provided for in subsection (i) of this section,  
445 and such person shall state under oath, in open court or before any  
446 person designated by the clerk and duly authorized to administer oaths,  
447 under penalties of perjury that: (A) If such person is charged with a  
448 violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of  
449 subsection (a) of section 14-227n, subsection (d) of section 15-133 or  
450 section 15-140n, such person has not had such program invoked in such  
451 person's behalf within the preceding ten years for a violation of section  
452 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of  
453 section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B)  
454 such person has not been convicted of a violation of section 53a-56b or  
455 53a-60d, a violation of subsection (a) of section 14-227a before, on or  
456 after October 1, 1981, a violation of subdivision (1) or (2) of subsection  
457 (a) of section 14-227a on or after October 1, 1985, a violation of section  
458 14-227g, a violation of section 14-227m or a violation of subdivision (1)  
459 or (2) of subsection (a) of section 14-227n, (C) such person has not been  
460 convicted of a violation of section 15-132a, subsection (d) of section 15-  
461 133, section 15-140l or section 15-140n, (D) such person has not been  
462 convicted in any other state at any time of an offense the essential  
463 elements of which are substantially the same as section 53a-56b, 53a-60d,  
464 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a) of  
465 section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a)  
466 of section 14-227n or subsection (d) of section 15-133, and (E) notice has  
467 been given by such person, by registered or certified mail on a form  
468 prescribed by the Office of the Chief Court Administrator, to each victim  
469 who sustained a serious physical injury, as defined in section 53a-3,  
470 which was caused by such person's alleged violation, that such person  
471 has applied to participate in the pretrial alcohol education program and  
472 that such victim has an opportunity to be heard by the court on the  
473 application.

474 (2) The court shall provide each such victim who sustained a serious

475 physical injury an opportunity to be heard prior to granting an  
476 application under this section. Unless good cause is shown, a person  
477 shall be ineligible for participation in such pretrial alcohol education  
478 program if such person's alleged violation of section 14-227a, 14-227g or  
479 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or  
480 subsection (d) of section 15-133 caused the serious physical injury, as  
481 defined in section 53a-3, of another person.

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

486 (b) The court, after consideration of the recommendation of the state's  
487 attorney, assistant state's attorney or deputy assistant state's attorney in  
488 charge of the case, may, in its discretion, grant such application. If the  
489 court grants such application, the court shall refer such person to the  
490 Court Support Services Division for assessment and confirmation of the  
491 eligibility of the applicant and to the Department of Mental Health and  
492 Addiction Services for evaluation. The Court Support Services Division,  
493 in making its assessment and confirmation, may rely on the  
494 representations made by the applicant under oath in open court with  
495 respect to convictions in other states of offenses specified in subsection  
496 (a) of this section. Upon confirmation of eligibility and receipt of the  
497 evaluation report, the defendant shall be referred to the Department of  
498 Mental Health and Addiction Services by the Court Support Services  
499 Division for placement in an appropriate alcohol intervention program  
500 for one year, or be placed in a state-licensed substance abuse treatment  
501 program. The alcohol intervention program shall include a ten-session  
502 intervention program and a fifteen-session intervention program. Any  
503 person who enters the pretrial alcohol education program shall agree:  
504 (1) To the tolling of the statute of limitations with respect to such crime,  
505 (2) to a waiver of such person's right to a speedy trial, (3) to complete  
506 ten or fifteen counseling sessions in an alcohol intervention program or  
507 successfully complete a substance abuse treatment program of not less  
508 than twelve sessions pursuant to this section dependent upon the



509 evaluation report and the court order, (4) to commence participation in  
510 an alcohol intervention program or substance abuse treatment program  
511 not later than ninety days after the date of entry of the court order unless  
512 granted a delayed entry into a program by the court, (5) upon  
513 completion of participation in the alcohol intervention program, to  
514 accept placement in a substance abuse treatment program upon the  
515 recommendation of a provider under contract with the Department of  
516 Mental Health and Addiction Services pursuant to subsection (f) of this  
517 section or placement in a state-licensed substance abuse treatment  
518 program which meets standards established by the Department of  
519 Mental Health and Addiction Services, if the Court Support Services  
520 Division deems it appropriate, and (6) if ordered by the court, to  
521 participate in at least one victim impact panel. The suspension of the  
522 motor vehicle operator's license of any such person pursuant to section  
523 14-227b shall be effective during the period such person is participating  
524 in the pretrial alcohol education program, provided such person shall  
525 have the option of not commencing the participation in such program  
526 until the period of such suspension is completed. If the Court Support  
527 Services Division informs the court that the defendant is ineligible for  
528 such program and the court makes a determination of ineligibility or if  
529 the program provider certifies to the court that the defendant did not  
530 successfully complete the assigned program or is no longer amenable to  
531 treatment and such person does not request, or the court denies,  
532 program reinstatement under subsection (e) of this section, the court  
533 shall order the court file to be unsealed, enter a plea of not guilty for  
534 such defendant and immediately place the case on the trial list. If such  
535 defendant satisfactorily completes the assigned program, such  
536 defendant may apply for dismissal of the charges against such  
537 defendant and the court, on reviewing the record of the defendant's  
538 participation in such program submitted by the Court Support Services  
539 Division and on finding such satisfactory completion, shall dismiss the  
540 charges. If the defendant does not apply for dismissal of the charges  
541 against such defendant after satisfactorily completing the assigned  
542 program the court, upon receipt of the record of the defendant's  
543 participation in such program submitted by the Court Support Services

544 Division, may on its own motion make a finding of such satisfactory  
545 completion and dismiss the charges. Upon motion of the defendant and  
546 a showing of good cause, the court may extend the one-year placement  
547 period for a reasonable period for the defendant to complete the  
548 assigned program. A record of participation in such program shall be  
549 retained by the Court Support Services Division for a period of ten years  
550 from the date the court grants the application for participation in such  
551 program. The Court Support Services Division shall transmit to the  
552 Department of Motor Vehicles a record of participation in such program  
553 for each person who satisfactorily completes such program. The  
554 Department of Motor Vehicles shall maintain for a period of ten years  
555 the record of a person's participation in such program as part of such  
556 person's driving record. The Court Support Services Division shall  
557 transmit to the Department of Energy and Environmental Protection the  
558 record of participation of any person who satisfactorily completes such  
559 program who has been charged with a violation of the provisions of  
560 subsection (d) of section 15-133 or section 15-140n. The Department of  
561 Energy and Environmental Protection shall maintain for a period of ten  
562 years the record of a person's participation in such program as a part of  
563 such person's boater certification record.

564 (c) (1) At the time the court grants the application for participation in  
565 the pretrial alcohol education program, such person shall also pay to the  
566 court a nonrefundable program fee of three hundred fifty dollars if such  
567 person is ordered to participate in the ten-session intervention program  
568 and a nonrefundable program fee of five hundred dollars if such person  
569 is ordered to participate in the fifteen-session intervention program. If  
570 the court grants the application for participation in the pretrial alcohol  
571 education program and such person is ordered to participate in a  
572 substance abuse treatment program, such person shall be responsible  
573 for the costs associated with participation in such program. No person  
574 may be excluded from either program for inability to pay such fee or  
575 cost, [provided (1) such person files with the court an affidavit of  
576 indigency or inability to pay, (2) such indigency or inability to pay is  
577 confirmed by the Court Support Services Division, and (3) the court

578 enters a finding thereof] and the court shall waive any such fee or cost  
579 for any intervention program if such person is found eligible to have  
580 such fee or cost waived under subsection (i) of this section.

581 (2) If the court finds that a person is indigent or unable to pay for a  
582 treatment program using the method for determining indigency  
583 described in subsection (i) of this section, the costs of such program shall  
584 be paid from the pretrial account established under section 54-56k. [If  
585 the court finds that a person is indigent or unable to pay for an  
586 intervention program, the court may waive all or any portion of the fee  
587 for such intervention program.]

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

594 (d) If a person returns to court with certification from a program  
595 provider that such person did not successfully complete the assigned  
596 program or is no longer amenable to treatment, the provider, to the  
597 extent practicable, shall include a recommendation to the court as to  
598 whether a ten-session intervention program, a fifteen-session  
599 intervention program or placement in a state-licensed substance abuse  
600 treatment program would best serve such person's needs. The provider  
601 shall also indicate whether the current program referral was an initial  
602 referral or a reinstatement to the program.

603 (e) When a person subsequently requests reinstatement into an  
604 alcohol intervention program or a substance abuse treatment program  
605 and the Court Support Services Division verifies that such person is  
606 eligible for reinstatement into such program and thereafter the court  
607 favorably acts on such request, such person shall pay a nonrefundable  
608 program fee of one hundred seventy-five dollars if ordered to complete  
609 a ten-session intervention program or two hundred fifty dollars if

610 ordered to complete a fifteen-session intervention program, as the case  
611 may be, [ . Unless good cause is shown, such fees shall not be waived]  
612 except as provided in subsection (i) of this section. If the court grants a  
613 person's request to be reinstated into a treatment program, such person  
614 shall be responsible for the costs, if any, associated with being reinstated  
615 into the treatment program. All program fees collected in connection  
616 with a reinstatement to an intervention program shall be credited to the  
617 pretrial account established under section 54-56k. No person shall be  
618 permitted more than two program reinstatements pursuant to this  
619 subsection.

620 (f) The Department of Mental Health and Addiction Services shall  
621 contract with service providers, develop standards and oversee  
622 appropriate alcohol programs to meet the requirements of this section.  
623 Said department shall adopt regulations, in accordance with chapter 54,  
624 to establish standards for such alcohol programs. Any person ordered  
625 to participate in a treatment program shall do so at a state-licensed  
626 treatment program which meets the standards established by said  
627 department. Any defendant whose employment or residence makes it  
628 unreasonable to attend an alcohol intervention program or a substance  
629 abuse treatment program in this state may attend a program in another  
630 state which has standards substantially similar to, or higher than, those  
631 of this state, subject to the approval of the court and payment of the  
632 application, evaluation and program fees and treatment costs, as  
633 appropriate, as provided in this section.

634 (g) The court may, as a condition of granting such application, require  
635 that such person participate in a victim impact panel program approved  
636 by the Court Support Services Division of the Judicial Department. Such  
637 victim impact panel program shall provide a nonconfrontational forum  
638 for the victims of alcohol-related or drug-related offenses and offenders  
639 to share experiences on the impact of alcohol-related or drug-related  
640 incidents in their lives. Such victim impact panel program shall be  
641 conducted by a nonprofit organization that advocates on behalf of  
642 victims of accidents caused by persons who operated a motor vehicle  
643 while under the influence of intoxicating liquor or any drug, or both.

644 Such organization may assess a participation fee of not more than  
645 seventy-five dollars on any person required by the court to participate  
646 in such program, provided such organization shall offer a [hardship]  
647 waiver when [it has determined that the imposition of a fee would pose  
648 an economic hardship for such person] such person has been  
649 determined indigent and eligible for representation by a public  
650 defender who has been appointed on behalf of such person pursuant to  
651 section 51-296.

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

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

667 Sec. 14. Section 54-56i of the general statutes is repealed and the  
668 following is substituted in lieu thereof (*Effective October 1, 2021*):

669 (a) There is established a pretrial drug education and community  
670 service program for persons charged with a violation of section 21a-257,  
671 as amended by this act, 21a-267, as amended by this act, 21a-279, as  
672 amended by this act, or 21a-279a. The pretrial drug education and  
673 community service program shall include a fifteen-session drug  
674 education program and a substance abuse treatment program of not less  
675 than fifteen sessions, and the performance of community service.

676 (b) Upon application by any such person for participation in such  
677 program, the court shall, but only as to the public, order the court file  
678 sealed, and such person shall pay to the court of an application fee of  
679 one hundred dollars and a nonrefundable evaluation fee of one hundred  
680 fifty dollars, except as provided in subsection (l) of this section. A person  
681 shall be ineligible for participation in such pretrial drug education and  
682 community service program if such person has twice previously  
683 participated in (1) the pretrial drug education program established  
684 under the provisions of this section in effect prior to October 1, 2013, (2)  
685 the community service labor program established under section 53a-39c,  
686 as amended by this act, (3) the pretrial drug education and community  
687 service program established under this section, or (4) any of such  
688 programs, except that the court may allow a person who has twice  
689 previously participated in such programs to participate in the pretrial  
690 drug education and community service program one additional time,  
691 for good cause shown. The evaluation and application fee imposed  
692 under this subsection shall be credited to the pretrial account  
693 established under section 54-56k.

694 (c) The court, after consideration of the recommendation of the state's  
695 attorney, assistant state's attorney or deputy assistant state's attorney in  
696 charge of the case, may, in its discretion, grant such application. If the  
697 court grants such application, the court shall refer such person (1) to the  
698 Court Support Services Division for confirmation of the eligibility of the  
699 applicant, (2) to the Department of Mental Health and Addiction  
700 Services for evaluation and determination of an appropriate drug  
701 education or substance abuse treatment program for the first or second  
702 time such application is granted, and (3) to a state-licensed substance  
703 abuse treatment program for evaluation and determination of an  
704 appropriate substance abuse treatment program for the third time such  
705 application is granted, except that, if such person is a veteran, the court  
706 may refer such person to the Department of Veterans Affairs or the  
707 United States Department of Veterans Affairs, as applicable, for any  
708 such evaluation and determination. For the purposes of this subsection  
709 and subsection (d) of this section, "veteran" means any person who was

710 discharged or released under conditions other than dishonorable from  
711 active service in the armed forces as defined in section 27-103.

712 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
713 evaluation and determination required under subsection (c) of this  
714 section, such person shall be placed in the pretrial drug education and  
715 community service program and referred by the Court Support Services  
716 Division for the purpose of receiving appropriate drug education  
717 services or substance abuse treatment program services, as  
718 recommended by the evaluation conducted pursuant to subsection (c)  
719 of this section and ordered by the court, to the Department of Mental  
720 Health and Addiction Services or to a state-licensed substance abuse  
721 treatment program for placement in the appropriate drug education or  
722 substance abuse treatment program, except that, if such person is a  
723 veteran, the division may refer such person to the Department of  
724 Veterans Affairs or the United States Department of Veterans Affairs,  
725 subject to the provisions of subdivision (2) of this subsection.

726 (B) Persons who have been granted entry into the pretrial drug  
727 education and community service program for the first time shall  
728 participate in either a fifteen-session drug education program or a  
729 substance abuse treatment program of not less than fifteen sessions, as  
730 ordered by the court on the basis of the evaluation and determination  
731 required under subsection (c) of this section. Persons who have been  
732 granted entry into the pretrial drug education and community service  
733 program for the second time shall participate in either a fifteen-session  
734 drug education program or a substance abuse treatment program of not  
735 less than fifteen sessions, as ordered by the court based on the  
736 evaluation and determination required under subsection (c) of this  
737 section. Persons who have been granted entry into the pretrial drug  
738 education and community service program for a third time shall be  
739 referred to a state-licensed substance abuse program for evaluation and  
740 participation in a course of treatment as ordered by the court based on  
741 the evaluation and determination required under subsection (c) of this  
742 section.

743 (C) Persons who have been granted entry into the pretrial drug  
744 education and community service program shall also participate in a  
745 community service program administered by the Court Support  
746 Services Division pursuant to section 53a-39c, as amended by this act.  
747 Persons who have been granted entry into the pretrial drug education  
748 and community service program for the first time shall participate in the  
749 community service program for a period of five days. Persons who have  
750 been granted entry into the pretrial drug education and community  
751 service program for the second time shall participate in the community  
752 service program for a period of fifteen days. Persons who have been  
753 granted entry into the pretrial drug education and community service  
754 program for a third or additional time shall participate in the  
755 community service program for a period of thirty days.

756 (D) Placement in the pretrial drug education and community service  
757 program pursuant to this section shall not exceed one year. Persons  
758 receiving substance abuse treatment program services in accordance  
759 with the provisions of this section shall only receive such services at  
760 state-licensed substance abuse treatment program facilities that are in  
761 compliance with all state standards governing the operation of such  
762 facilities, except that, if such person is a veteran, such person may  
763 receive services from facilities under the supervision of the Department  
764 of Veterans Affairs or the United States Department of Veterans Affairs,  
765 subject to the provisions of subdivision (2) of this subsection.

766 (E) Any person who enters the pretrial drug education and  
767 community service program shall agree: (i) To the tolling of the statute  
768 of limitations with respect to such crime; (ii) to a waiver of such person's  
769 right to a speedy trial; (iii) to complete participation in the pretrial drug  
770 education and community service program, as ordered by the court; (iv)  
771 to commence participation in the pretrial drug education and  
772 community service program not later than ninety days after the date of  
773 entry of the court order unless granted a delayed entry into the program  
774 by the court; and (v) upon completion of participation in the pretrial  
775 drug education and community service program, to accept (I) placement  
776 in a treatment program upon the recommendation of a provider under



777 contract with the Department of Mental Health and Addiction Services  
778 or a provider under the supervision of the Department of Veterans  
779 Affairs or the United States Department of Veterans Affairs, or (II)  
780 placement in a treatment program that has standards substantially  
781 similar to, or higher than, a program of a provider under contract with  
782 the Department of Mental Health and Addiction Services, if the Court  
783 Support Services Division deems it appropriate.

784 (2) The Court Support Services Division may only refer a veteran to  
785 the Department of Veterans Affairs or the United States Department of  
786 Veterans Affairs for the receipt of services under the program if (A) the  
787 division determines that such services will be provided in a timely  
788 manner under standards substantially similar to, or higher than,  
789 standards for services provided by the Department of Mental Health  
790 and Addiction Services under the program, and (B) the applicable  
791 department agrees to submit timely program participation and  
792 completion reports to the division in the manner required by the  
793 division.

794 (e) If the Court Support Services Division informs the court that such  
795 person is ineligible for the program and the court makes a determination  
796 of ineligibility or if the program provider certifies to the court that such  
797 person did not successfully complete the assigned program and such  
798 person did not request, or the court denied, reinstatement in the  
799 program under subsection (i) of this section, the court shall order the  
800 court file to be unsealed, enter a plea of not guilty for such person and  
801 immediately place the case on the trial list.

802 (f) If such person satisfactorily completes the assigned program, such  
803 person may apply for dismissal of the charges against such person and  
804 the court, on reviewing the record of such person's participation in such  
805 program submitted by the Court Support Services Division and on  
806 finding such satisfactory completion, shall dismiss the charges. If such  
807 person does not apply for dismissal of the charges against such person  
808 after satisfactorily completing the assigned program, the court, upon  
809 receipt of the record of such person's participation in such program

810 submitted by the Court Support Services Division, may on its own  
811 motion make a finding of such satisfactory completion and dismiss the  
812 charges. Upon motion of such person and a showing of good cause, the  
813 court may extend the placement period for a reasonable period of time  
814 to allow such person to complete the assigned program. A record of  
815 participation in such program shall be retained by the Court Support  
816 Services Division for a period of ten years from the date the court grants  
817 the application for participation in the program.

818 (g) At the time the court grants the application for participation in the  
819 pretrial drug education and community service program, any person  
820 ordered to participate in such drug education program shall pay to the  
821 court a nonrefundable program fee of six hundred dollars. If the court  
822 orders participation in a substance abuse treatment program, such  
823 person shall pay to the court a nonrefundable program fee of one  
824 hundred dollars and shall be responsible for the costs associated with  
825 such program. No person may be excluded from any such program for  
826 inability to pay such fee or cost, [provided (1) such person files with the  
827 court an affidavit of indigency or inability to pay, (2) such indigency or  
828 inability to pay is confirmed by the Court Support Services Division,  
829 and (3) the court enters a finding thereof. The court may waive all or any  
830 portion of such fee depending on such person's ability to pay] and the  
831 court shall waive any such fee or cost if such person is found eligible to  
832 have such fee or cost waived under subsection (l) of this section. If the  
833 court [finds that a person is indigent or unable to pay] waives the costs  
834 for a substance abuse treatment program, the costs of such program  
835 shall be paid from the pretrial account established under section 54-56k.  
836 If the court denies the application, such person shall not be required to  
837 pay the program fee. If the court grants the application, and such person  
838 is later determined to be ineligible for participation in such pretrial drug  
839 education and community service program or fails to complete the  
840 assigned program, the program fee shall not be refunded. All program  
841 fees shall be credited to the pretrial account established under section  
842 54-56k.

843 (h) If a person returns to court with certification from a program

844 provider that such person did not successfully complete the assigned  
845 program or is no longer amenable to treatment, the provider, to the  
846 extent practicable, shall include a recommendation to the court as to  
847 whether placement in a drug education program or placement in a  
848 substance abuse treatment program would best serve such person's  
849 needs. The provider shall also indicate whether the current program  
850 referral was an initial referral or a reinstatement to the program.

851 (i) When a person subsequently requests reinstatement into a drug  
852 education program or a substance abuse treatment program and the  
853 Court Support Services Division verifies that such person is eligible for  
854 reinstatement into such program and thereafter the court favorably acts  
855 on such request, any person reinstated into such drug education  
856 program shall pay a nonrefundable program fee of two hundred fifty  
857 dollars, and any person reinstated into a substance abuse treatment  
858 program shall be responsible for the costs, if any, associated with being  
859 reinstated into the treatment program, [ . Unless good cause is shown,  
860 such program fee shall not be waived] unless such person is found  
861 eligible to have such fee or costs waived under subsection (l) of this  
862 section. All program fees collected in connection with a reinstatement to  
863 a drug education program shall be credited to the pretrial account  
864 established under section 54-56k. No person shall be permitted more  
865 than two program reinstatements pursuant to this subsection.

866 (j) The Department of Mental Health and Addiction Services shall  
867 develop standards and oversee appropriate drug education programs  
868 that it administers to meet the requirements of this section and may  
869 contract with service providers to provide such programs. The  
870 department shall adopt regulations, in accordance with chapter 54, to  
871 establish standards for such drug education programs.

872 (k) Any person whose employment or residence or schooling makes  
873 it unreasonable to attend a drug education program or substance abuse  
874 treatment program in this state may attend a program in another state  
875 that has standards similar to, or higher than, those of this state, subject  
876 to the approval of the court and payment of the program fee or costs as

877 provided in this section.

878 (l) The court shall waive any fee or cost under subsection (b), (g) or  
879 (i) of this section for any person who (1) files with the court an affidavit  
880 of indigency or inability to pay, has such indigency confirmed by the  
881 Court Support Services Division and the court enters a finding thereof,  
882 or (2) has been determined indigent and eligible for representation by a  
883 public defender who has been appointed on behalf of such person  
884 pursuant to section 51-296. The court shall not require a person to  
885 perform community service in lieu of payment of such fee or cost, if such  
886 fee or cost is waived.

887 Sec. 15. Subsection (f) of section 54-56j of the general statutes is  
888 repealed and the following is substituted in lieu thereof (*Effective October*  
889 *1, 2021*):

890 (f) The cost of participation in such program shall be paid by the  
891 parent or guardian of such student, except that no student shall be  
892 excluded from such program for inability to pay such cost provided (1)  
893 the parent or guardian of such student files with the court an affidavit  
894 of indigency or inability to pay [,] and [(2)] the court enters a finding  
895 thereof, or (2) the parent or guardian of such student has been  
896 determined indigent and such student is eligible for representation by a  
897 public defender who has been appointed on behalf of such student  
898 pursuant to section 51-296. The court shall not require a person to  
899 perform community service in lieu of payment of such cost, if such cost  
900 is waived.

901 Sec. 16. Subsection (i) of section 46b-38c of the general statutes is  
902 repealed and the following is substituted in lieu thereof (*Effective October*  
903 *1, 2021*):

904 (i) A nonrefundable application fee of one hundred dollars shall be  
905 paid to the court by any person who files a motion pursuant to  
906 subdivision (1) of subsection (h) of this section to participate in the  
907 pretrial family violence education program, and a fee of three hundred  
908 dollars shall be paid to the court by any person who enters the family

909 violence education program, except that no person shall be excluded  
910 from such program for inability to pay any such fee, provided (1) the  
911 person files with the court an affidavit of indigency or inability to pay  
912 [.] and [(2)] the court enters a finding thereof, or (2) such person has been  
913 determined indigent and eligible for representation by a public  
914 defender who has been appointed on behalf of such person pursuant to  
915 section 51-296. The court shall not require a person to perform  
916 community service in lieu of payment of such fee, if such fee is waived.  
917 All such fees shall be credited to the General Fund.

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

920 (a) The Commissioner of Mental Health and Addiction Services or  
921 the commissioner's designee shall appoint one or more clinical  
922 examiners to conduct examinations for alcohol or drug dependency  
923 ordered pursuant to the provisions of section 17a-693. Each examiner  
924 shall be authorized by the department to conduct independent  
925 evaluations.

926 (b) (1) The examiner shall determine whether the person being  
927 examined was an alcohol-dependent or drug-dependent person at the  
928 time of the crime. The commissioner shall disclose to the examiner  
929 information contained in the Department of Mental Health and  
930 Addiction Service's database concerning the date that the person  
931 received treatment for alcohol or drug dependence, if at all, and the  
932 location where such treatment was provided, for the purpose of  
933 allowing the examiner to request a release of treatment information  
934 from the department for the person.

935 (2) If such person is determined to have been dependent on alcohol  
936 or drugs, the examiner shall further determine (A) the history and  
937 pattern of the dependency, and (B) whether the person presently needs  
938 and is likely to benefit from treatment for the dependency. If the  
939 examiner determines that the person presently needs and is likely to  
940 benefit from treatment, the examiner shall recommend treatment and

941 state the date when space will be available in an appropriate treatment  
942 program, provided such date shall not be more than forty-five days  
943 from the date of the examination report. A recommendation for  
944 treatment shall include provisions for appropriate placement and the  
945 type and length of treatment and may include provisions for outpatient  
946 treatment.

947 (c) The examiner shall prepare and sign, without notarization, a  
948 written examination report and deliver it to the court, the Court Support  
949 Services Division, the state's attorney and defense counsel no later than  
950 thirty days after the examination was ordered. An examination report  
951 ordered pursuant to this section and section 17a-693 shall otherwise be  
952 confidential and not open to public inspection or subject to disclosure.

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

956 (e) No person shall be denied an examination or participation in a  
957 program under this section for inability to pay any cost or fee associated  
958 with such examination or program, provided (1) the person files with  
959 the court an affidavit of indigency or inability to pay and the court enters  
960 a finding thereof, or (2) such person has been determined indigent and  
961 eligible for representation by a public defender who has been appointed  
962 on behalf of such person pursuant to section 51-296. The court shall not  
963 require a person to perform community service in lieu of payment of  
964 such cost or fee, if such cost or fee is waived.

965 Sec. 18. Section 17a-696 of the general statutes is repealed and the  
966 following is substituted in lieu thereof (*Effective October 1, 2021*):

967 (a) The provisions of this section shall not apply to any person  
968 charged with a violation of section 14-227a, 14-227g or 14-227m,  
969 subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-  
970 56b or 53a-60d or with a class A, B or C felony or to any person who was  
971 twice previously ordered treated under this section, subsection (i) of  
972 section 17-155y, section 19a-386 or section 21a-284 of the general statutes

973 revised to 1989, or any combination thereof. The court may waive the  
974 ineligibility provisions of this subsection for any person, except that the  
975 court shall not waive the ineligibility provisions of this subsection for  
976 any person charged with a violation of section 14-227a, 14-227g, 53a-56b  
977 or 53a-60d if, at the time of the offense, such person was operating a  
978 commercial vehicle, as defined in section 14-1, or held a commercial  
979 driver's license or a commercial driver's instruction permit.

980 (b) The court may order suspension of prosecution and order  
981 treatment for alcohol or drug dependency as provided in this section  
982 and sections 17a-697 and 17a-698 if it, after considering information  
983 before it concerning the alcohol or drug dependency of the person,  
984 including the examination report made pursuant to the provisions of  
985 section 17a-694, as amended by this act, finds that (1) the accused person  
986 was an alcohol-dependent or drug-dependent person at the time of the  
987 crime, (2) the person presently needs and is likely to benefit from  
988 treatment for the dependency, and (3) suspension of prosecution will  
989 advance the interests of justice. Treatment may begin no earlier than the  
990 date the clinical examiner reports under the provisions of section 17a-  
991 694, as amended by this act, that space is available in a treatment  
992 program. Upon application by any such person for participation in a  
993 treatment program, the court shall, but only as to the public, order the  
994 court file sealed.

995 (c) A suspension of prosecution ordered under the provisions of  
996 subsection (b) of this section may be for a period not exceeding two  
997 years. During the period of suspension, an accused person shall be  
998 placed in the custody of the Court Support Services Division for  
999 treatment for alcohol or drug dependency. The court or the Court  
1000 Support Services Division may require that the person (1) comply with  
1001 any of the conditions specified in subsections (a) and (b) of section 53a-  
1002 30, and (2) be tested for use of alcohol or drugs during the period of  
1003 suspension. The accused person shall, unless indigent, pay the cost of  
1004 treatment ordered under this section.

1005 (d) If prosecution is suspended under the provisions of subsection (b)

1006 of this section, (1) the statute of limitations applicable to the crime  
1007 charged shall be tolled during the period of suspension, and (2) the  
1008 accused person shall be deemed to have waived such accused person's  
1009 right to a speedy trial for the crime charged.

1010 (e) The court shall not suspend prosecution under subsection (b) of  
1011 this section unless (1) the accused person has acknowledged that he or  
1012 she understands the consequences of the suspension of prosecution, (2)  
1013 the accused person has given notice, by registered or certified mail on a  
1014 form prescribed by the Chief Court Administrator, to the victim, if any,  
1015 of the crime of which the person is accused and of the pending motion  
1016 for suspension of prosecution, (3) such victim, if any, has been given an  
1017 opportunity to be heard on the motion for suspension of prosecution,  
1018 and (4) the accused person, unless such accused person is indigent, has  
1019 paid to the clerk of the court an administration fee of twenty-five dollars.

1020 (f) If the prosecution is suspended, the person shall be released on a  
1021 written promise to appear or on a bond and any other bond posted in  
1022 any criminal proceeding concerning such person shall be terminated.

1023 (g) If the court denies the motion for suspension of prosecution, the  
1024 state's attorney may proceed with prosecution of the crime.

1025 (h) A person shall be deemed to be indigent for the purposes of this  
1026 section if the court determines the person (1) has an estate insufficient  
1027 to provide for the person's support or there is no other person legally  
1028 liable or able to support the person, or (2) the person has been  
1029 determined indigent and eligible for representation by a public  
1030 defender who has been appointed on behalf of such person pursuant to  
1031 section 51-296. The court shall not require a person to perform  
1032 community service in lieu of payment of any cost or fee, if a cost or fee  
1033 is waived due to indigency.

1034 Sec. 19. Section 21a-257 of the general statutes is repealed and the  
1035 following is substituted in lieu thereof (*Effective October 1, 2021*):

1036 (a) A person to whom or for whose use any narcotic drug has been



1037 prescribed, sold or dispensed by a physician, dentist, pharmacist or  
1038 other person authorized under the provisions of section 21a-248, and the  
1039 owner of any animal for which any such drug has been prescribed, sold  
1040 or dispensed may lawfully possess it only in the container in which it  
1041 was delivered to the recipient by the person selling or dispensing the  
1042 same except as may be authorized by regulations adopted [hereunder]  
1043 in accordance with the provisions of chapter 54.

1044 (b) Any person who fails to keep such narcotic drug in the original  
1045 container as provided in subsection (a) of this section, except as  
1046 provided in subsection (c) of this section, shall be guilty of a class D  
1047 misdemeanor.

1048 (c) The provisions of subsection (b) of this section shall not apply to  
1049 any person who in good faith places such narcotic drug in either a (1)  
1050 pill box, case or organizer stored within such person's residence, or (2)  
1051 secured or locked pill box, case or organizer, provided such pill box,  
1052 case or organizer is accompanied by proof of such person's prescription.

1053 Sec. 20. Section 51-164r of the general statutes is repealed and the  
1054 following is substituted in lieu thereof (*Effective October 1, 2021*):

1055 (a) Any person charged with an infraction who fails to pay the fine  
1056 and any additional fee imposed or send in [his] a plea of not guilty by  
1057 the answer date or wilfully fails to appear for any scheduled court  
1058 appearance date which may be required shall be guilty of [a class C  
1059 misdemeanor] an unclassified misdemeanor and may be sentenced to a  
1060 term of imprisonment of not more than ten days.

1061 (b) Any person charged with any violation specified in subsection (b)  
1062 of section 51-164n who fails to pay the fine and any additional fee  
1063 imposed or send in [his] a plea of not guilty by the answer date or  
1064 wilfully fails to appear for any scheduled court appearance date which  
1065 may be required shall be guilty of [a class A misdemeanor] an  
1066 unclassified misdemeanor and may be sentenced to a term of  
1067 imprisonment of not more than ten days.

1068 Sec. 21. Subdivision (1) of subsection (a) of section 18-98d of the  
1069 general statutes is repealed and the following is substituted in lieu  
1070 thereof (*Effective October 1, 2021*):

1071 (a) (1) (A) Any person who is confined to a community correctional  
1072 center or a correctional institution for an offense committed on or after  
1073 July 1, 1981, and prior to October 1, 2021, under a mittimus or because  
1074 such person is unable to obtain bail or is denied bail shall, if  
1075 subsequently imprisoned, earn a reduction of such person's sentence  
1076 equal to the number of days which such person spent in such facility  
1077 from the time such person was placed in presentence confinement to the  
1078 time such person began serving the term of imprisonment imposed;  
1079 provided [(A)] (i) each day of presentence confinement shall be counted  
1080 only once for the purpose of reducing all sentences imposed after such  
1081 presentence confinement; and [(B)] (ii) the provisions of this section  
1082 shall only apply to a person for whom the existence of a mittimus, an  
1083 inability to obtain bail or the denial of bail is the sole reason for such  
1084 person's presentence confinement, except that if a person is serving a  
1085 term of imprisonment at the same time such person is in presentence  
1086 confinement on another charge and the conviction for such  
1087 imprisonment is reversed on appeal, such person shall be entitled, in  
1088 any sentence subsequently imposed, to a reduction based on such  
1089 presentence confinement in accordance with the provisions of this  
1090 section. In the case of a fine, each day spent in such confinement prior  
1091 to sentencing shall be credited against the sentence at a per diem rate  
1092 equal to the average daily cost of incarceration as determined by the  
1093 Commissioner of Correction.

1094 (B) Any person who is confined to a community correctional center  
1095 or a correctional institution for an offense committed on or after October  
1096 1, 2021, under a mittimus or because such person is unable to obtain bail  
1097 or is denied bail shall, if subsequently imprisoned, earn a reduction of  
1098 such person's sentence equal to the number of days which such person  
1099 spent in such facility from the time such person was placed in  
1100 presentence confinement to the time such person began serving the term  
1101 of imprisonment imposed; provided (i) each day of presentence

1102 confinement shall be counted equally in reduction of any concurrent  
1103 sentence imposed for any offense pending at the time such sentence was  
1104 imposed; (ii) each day of presentence confinement shall be counted only  
1105 once in reduction of any consecutive sentence so imposed; and (iii) the  
1106 provisions of this section shall only apply to a person for whom the  
1107 existence of a mittimus, an inability to obtain bail or the denial of bail is  
1108 the sole reason for such person's presentence confinement, except that if  
1109 a person is serving a term of imprisonment at the same time such person  
1110 is in presentence confinement on another charge and the conviction for  
1111 which such imprisonment was imposed is reversed on appeal, such  
1112 person shall be entitled, in any sentence subsequently imposed, to a  
1113 reduction based on such presentence confinement in accordance with  
1114 the provisions of this section. In the case of a fine, each day spent in such  
1115 confinement prior to sentencing shall be credited against the sentence at  
1116 a per diem rate equal to the average daily cost of incarceration as  
1117 determined by the Commissioner of Correction.

1118 Sec. 22. Section 21a-267 of the general statutes is repealed and the  
1119 following is substituted in lieu thereof (*Effective October 1, 2021*):

1120 (a) No person shall use or possess with intent to use drug  
1121 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,  
1122 propagate, cultivate, grow, harvest, manufacture, compound, convert,  
1123 produce, process, prepare, test, analyze, pack, repack, store, contain or  
1124 conceal, or to ingest, inhale or otherwise introduce into the human body,  
1125 any controlled substance, as defined in subdivision (9) of section 21a-  
1126 240, other than a cannabis-type substance in a quantity of less than one-  
1127 half ounce. Any person who violates any provision of this subsection  
1128 shall be guilty of a class C misdemeanor.

1129 (b) No person shall deliver, possess with intent to deliver or  
1130 manufacture with intent to deliver drug paraphernalia knowing, or  
1131 under circumstances where one reasonably should know, that it will be  
1132 used to plant, propagate, cultivate, grow, harvest, manufacture,  
1133 compound, convert, produce, process, prepare, test, analyze, pack,  
1134 repack, store, contain or conceal, or to ingest, inhale or otherwise

1135 introduce into the human body, any controlled substance, other than a  
1136 cannabis-type substance in a quantity of less than one-half ounce. Any  
1137 person who violates any provision of this subsection shall be guilty of a  
1138 class A misdemeanor.

1139 (c) Any person who violates subsection (a) or (b) of this section [in or  
1140 on, or within one thousand five hundred feet of,] (1) with intent to  
1141 commit such violation at a specific location that the trier of fact  
1142 determines is (A) in or on the real property comprising a public or  
1143 private elementary or secondary school, or (B) within two hundred feet  
1144 of the perimeter of the real property comprising a public or private  
1145 elementary or secondary school, and (2) who is not enrolled as a student  
1146 in such school shall be imprisoned for a term of one year which shall not  
1147 be suspended and shall be in addition and consecutive to any term of  
1148 imprisonment imposed for violation of subsection (a) or (b) of this  
1149 section.

1150 (d) No person shall (1) use or possess with intent to use drug  
1151 paraphernalia to plant, propagate, cultivate, grow, harvest,  
1152 manufacture, compound, convert, produce, process, prepare, test,  
1153 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or  
1154 otherwise introduce into the human body, less than one-half ounce of a  
1155 cannabis-type substance, or (2) deliver, possess with intent to deliver or  
1156 manufacture with intent to deliver drug paraphernalia knowing, or  
1157 under circumstances where one reasonably should know, that it will be  
1158 used to plant, propagate, cultivate, grow, harvest, manufacture,  
1159 compound, convert, produce, process, prepare, test, analyze, pack,  
1160 repack, store, contain or conceal, or to ingest, inhale or otherwise  
1161 introduce into the human body, less than one-half ounce of a cannabis-  
1162 type substance. Any person who violates any provision of this  
1163 subsection shall have committed an infraction.

1164 (e) The provisions of subsection (a) of this section shall not apply to  
1165 any person (1) who in good faith, seeks medical assistance for another  
1166 person who such person reasonably believes is experiencing an  
1167 overdose from the ingestion, inhalation or injection of intoxicating

1168 liquor or any drug or substance, (2) for whom another person, in good  
1169 faith, seeks medical assistance, reasonably believing such person is  
1170 experiencing an overdose from the ingestion, inhalation or injection of  
1171 intoxicating liquor or any drug or substance, or (3) who reasonably  
1172 believes he or she is experiencing an overdose from the ingestion,  
1173 inhalation or injection of intoxicating liquor or any drug or substance  
1174 and, in good faith, seeks medical assistance for himself or herself, if  
1175 evidence of the use or possession of drug paraphernalia in violation of  
1176 said subsection was obtained as a result of the seeking of such medical  
1177 assistance. For the purposes of this subsection, "good faith" does not  
1178 include seeking medical assistance during the course of the execution of  
1179 an arrest warrant or search warrant or a lawful search.

1180 Sec. 23. Section 21a-278a of the general statutes is repealed and the  
1181 following is substituted in lieu thereof (*Effective October 1, 2021*):

1182 (a) Any person eighteen years of age or older who violates section  
1183 21a-277 or 21a-278, and who is not, at the time of such action, a drug-  
1184 dependent person, by distributing, selling, prescribing, dispensing,  
1185 offering, giving or administering any controlled substance to another  
1186 person who is under eighteen years of age and is at least two years  
1187 younger than such person who is in violation of section 21a-277 or 21a-  
1188 278, shall be imprisoned for a term of two years, which shall not be  
1189 suspended and shall be in addition and consecutive to any term of  
1190 imprisonment imposed for violation of section 21a-277 or 21a-278.

1191 (b) Any person who violates section 21a-277 or 21a-278 by  
1192 manufacturing, distributing, selling, prescribing, dispensing,  
1193 compounding, transporting with the intent to sell or dispense,  
1194 possessing with the intent to sell or dispense, offering, giving or  
1195 administering to another person any controlled substance [in or on, or  
1196 within one thousand five hundred feet of,] with intent to commit such  
1197 violation at a specific location that the trier of fact determines is (1) in or  
1198 on the real property comprising a (A) public or private elementary or  
1199 secondary school, [a] (B) public housing project, or [a] (C) licensed child  
1200 care center, as defined in section 19a-77, that is identified as a child care

1201 center by a sign posted in a conspicuous place, or (2) within two  
1202 hundred feet of the perimeter of the real property comprising such (A)  
1203 public or private elementary or secondary school, (B) public housing  
1204 project, or (C) licensed child care center, shall be imprisoned for a term  
1205 of three years, which shall not be suspended and shall be in addition  
1206 and consecutive to any term of imprisonment imposed for violation of  
1207 section 21a-277 or 21a-278. To constitute a violation of this subsection,  
1208 an act of transporting or possessing a controlled substance shall be with  
1209 intent to sell or dispense in or on, or within [one thousand five] two  
1210 hundred feet of the perimeter of, the real property comprising a public  
1211 or private elementary or secondary school, a public housing project or a  
1212 licensed child care center, as defined in section 19a-77, that is identified  
1213 as a child care center by a sign posted in a conspicuous place. For the  
1214 purposes of this subsection, "public housing project" means dwelling  
1215 accommodations operated as a state or federally subsidized multifamily  
1216 housing project by a housing authority, nonprofit corporation or  
1217 municipal developer, as defined in section 8-39, pursuant to chapter 128  
1218 or by the Connecticut Housing Authority pursuant to chapter 129.

1219 (c) Any person who employs, hires, uses, persuades, induces, entices  
1220 or coerces a person under eighteen years of age to violate section 21a-  
1221 277 or 21a-278 shall be imprisoned for a term of three years, which shall  
1222 not be suspended and shall be in addition and consecutive to any term  
1223 of imprisonment imposed for violation of section 21a-277 or 21a-278.

1224 Sec. 24. Section 21a-279 of the general statutes is repealed and the  
1225 following is substituted in lieu thereof (*Effective October 1, 2021*):

1226 (a) (1) Any person who possesses or has under such person's control  
1227 any quantity of any controlled substance, except less than one-half  
1228 ounce of a cannabis-type substance and except as authorized in this  
1229 chapter, shall be guilty of a class A misdemeanor.

1230 (2) For a second offense of subdivision (1) of this subsection, the court  
1231 shall evaluate such person and, if the court determines such person is a  
1232 drug-dependent person, the court may suspend prosecution of such

1233 person and order such person to undergo a substance abuse treatment  
1234 program.

1235 (3) For any subsequent offense of subdivision (1) of this subsection,  
1236 the court may find such person to be a persistent offender for possession  
1237 of a controlled substance in accordance with section 53a-40, as amended  
1238 by this act.

1239 (b) Any person who violates subsection (a) of this section with intent  
1240 to commit such violation at a specific location that the trier of fact  
1241 determines is in or on, or within [one thousand five] two hundred feet  
1242 of [ ] the perimeter of the real property comprising a (1) public or private  
1243 elementary or secondary school and who is not enrolled as a student in  
1244 such school, or [a] (2) licensed child care center, as defined in section  
1245 19a-77, that is identified as a child care center by a sign posted in a  
1246 conspicuous place, shall be guilty of a class A misdemeanor and shall be  
1247 sentenced to a term of imprisonment and a period of probation during  
1248 which such person shall perform community service as a condition of  
1249 such probation, in a manner ordered by the court.

1250 (c) To the extent that it is possible, medical treatment rather than  
1251 criminal sanctions shall be afforded individuals who breathe, inhale,  
1252 sniff or drink the volatile substances described in subdivision (49) of  
1253 section 21a-240.

1254 (d) The provisions of subsection (a) of this section shall not apply to  
1255 any person (1) who in good faith, seeks medical assistance for another  
1256 person who such person reasonably believes is experiencing an  
1257 overdose from the ingestion, inhalation or injection of intoxicating  
1258 liquor or any drug or substance, (2) for whom another person, in good  
1259 faith, seeks medical assistance, reasonably believing such person is  
1260 experiencing an overdose from the ingestion, inhalation or injection of  
1261 intoxicating liquor or any drug or substance, or (3) who reasonably  
1262 believes he or she is experiencing an overdose from the ingestion,  
1263 inhalation or injection of intoxicating liquor or any drug or substance  
1264 and, in good faith, seeks medical assistance for himself or herself, if

1265 evidence of the possession or control of a controlled substance in  
1266 violation of subsection (a) of this section was obtained as a result of the  
1267 seeking of such medical assistance. For the purposes of this subsection,  
1268 "good faith" does not include seeking medical assistance during the  
1269 course of the execution of an arrest warrant or search warrant or a lawful  
1270 search.

1271 (e) No provision of this section shall be construed to alter or modify  
1272 the meaning of the provisions of section 21a-278.

1273 Sec. 25. Section 53a-39 of the general statutes is repealed and the  
1274 following is substituted in lieu thereof (*Effective from passage*):

1275 (a) [At] Except as provided in subsection (b) of this section, at any  
1276 time during [the period of a definite sentence of three years or less] an  
1277 executed period of incarceration, the sentencing court or judge may,  
1278 after hearing and for good cause shown, reduce the sentence, order the  
1279 defendant discharged, or order the defendant discharged on probation  
1280 or conditional discharge for a period not to exceed that to which the  
1281 defendant could have been originally sentenced.

1282 (b) At any time during the period of a [definite] sentence in which a  
1283 defendant has been sentenced to an executed period of incarceration of  
1284 more than [three] seven years as a result of a plea agreement, including  
1285 an agreement in which there is an agreed upon range of sentence, upon  
1286 agreement of the defendant and the state's attorney to seek review of the  
1287 sentence, the sentencing court or judge may, after hearing and for good  
1288 cause shown, reduce the sentence, order the defendant discharged, or  
1289 order the defendant discharged on probation or conditional discharge  
1290 for a period not to exceed that to which the defendant could have been  
1291 originally sentenced.

1292 (c) If, after a hearing pursuant to this section, the sentencing court or  
1293 judge denies a motion to reduce a defendant's sentence or discharge the  
1294 defendant, the defendant may not file a subsequent motion for relief  
1295 under this section until five years have elapsed from the date of the most  
1296 recent decision denying such defendant relief pursuant to this section.



1297        [(c)] (d) The provisions of this section shall not apply to any portion  
 1298 of a sentence imposed that is a mandatory minimum sentence for an  
 1299 offense which may not be suspended or reduced by the court.

1300        [(d)] (e) At a hearing held by the sentencing court or judge under this  
 1301 section, such court or judge shall permit any victim of the crime to  
 1302 appear before the court or judge for the purpose of making a statement  
 1303 for the record concerning whether or not the sentence of the defendant  
 1304 should be reduced, the defendant should be discharged or the  
 1305 defendant should be discharged on probation or conditional discharge  
 1306 pursuant to subsection (a) or (b) of this section. In lieu of such  
 1307 appearance, the victim may submit a written statement to the court or  
 1308 judge and the court or judge shall make such statement a part of the  
 1309 record at the hearing. For the purposes of this subsection, "victim"  
 1310 means the victim, the legal representative of the victim or a member of  
 1311 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>	1-110a(f)
Sec. 7	<i>October 1, 2021</i>	53a-290
Sec. 8	<i>October 1, 2021</i>	53a-181f
Sec. 9	<i>October 1, 2021</i>	53a-189c
Sec. 10	<i>October 1, 2021</i>	53a-40(f) and (g)
Sec. 11	<i>October 1, 2021</i>	53a-39c(b)
Sec. 12	<i>October 1, 2021</i>	54-56e
Sec. 13	<i>October 1, 2021</i>	54-56g
Sec. 14	<i>October 1, 2021</i>	54-56i
Sec. 15	<i>October 1, 2021</i>	54-56j(f)
Sec. 16	<i>October 1, 2021</i>	46b-38c(i)
Sec. 17	<i>October 1, 2021</i>	17a-694
Sec. 18	<i>October 1, 2021</i>	17a-696

Sec. 19	<i>October 1, 2021</i>	21a-257
Sec. 20	<i>October 1, 2021</i>	51-164r
Sec. 21	<i>October 1, 2021</i>	18-98d(a)(1)
Sec. 22	<i>October 1, 2021</i>	21a-267
Sec. 23	<i>October 1, 2021</i>	21a-278a
Sec. 24	<i>October 1, 2021</i>	21a-279
Sec. 25	<i>from passage</i>	53a-39

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 \$
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.

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>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

Sections 23, 25-27 reduce the penalties including for failure to pay or

<sup>1</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>2</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.

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 1-10, 13-16, 21, 24, and 28 make various changes that do not result in a fiscal impact.

House "A" strikes sections of the bill that transferred certain responsibilities from the Division of Criminal Justice to the Office of the Attorney General (OAG) and removes the cost to the OAG.

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

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

**OLR Bill Analysis****sHB 6594 (as amended by House “A”)\*****AN ACT CONCERNING THE CRIMINAL JUSTICE PROCESS.**

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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*

**§ 20 — 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*

**§ 21 — PRE-SENTENCE CONFINEMENT CREDIT**

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

**§§ 22-24 — 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*

**§ 25 — 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*

\*House Amendment "A" (1) eliminates the underlying bill's provisions transferring certain civil functions from the Division of Criminal Justice to the attorney general, (2) adds definitions for the electronic stalking provision, and (3) makes conforming changes.

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.”

**§§ 4-5 — INVESTIGATIONS TO REMOVE TOWN CLERKS AND TREASURERS**

*Requires that the attorney general, rather than the state’s attorneys, investigate a town clerk or treasurer for removal*

The bill transfers from the state’s attorneys to the attorney general the responsibility for investigating a town clerk or treasurer for removal. 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.

**§ 6 — 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).

**§ 7 — 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.

## **§ 8 — ELECTRONIC STALKING**

*Increases the penalty for electronic stalking and broadens the definition of the crime*

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 broadens the crime's definition to include intending to kill, injure, harass, or intimidate another person by using an interactive computer service or electronic communication service, electronic communication system, or electronic monitoring system to place the other person under surveillance or engage in other conduct that (1) places the other person or their immediate family member or intimate partner in a reasonable fear of death or serious bodily injury or (2) causes, attempts to cause, or is reasonably expected to cause substantial emotional distress to these individuals.

Under the bill, an "immediate family member" means (1) a person's



spouse, parent, brother, sister, or child, or the person to whom the person stands in loco parentis (i.e., in place of a parent) or (2) any person living in the household and related to the person by blood or marriage. “Intimate partner” means a (1) former spouse; (2) person who has a child in common with the person regardless of whether he or she is or has been married or are living or have lived together at any time; or (3) person in, or who has recently been in, a dating relationship with the 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).

## **§ 9 — 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).

**§ 10 — 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.

## **§§ 11-18 — 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.

### **§§ 14 & 19 — 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*

#### **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.

### **§ 20 — 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*

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.

### **§ 21 — 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.

### **§§ 22-24 — 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. 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)).

### **§ 25 — 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)

Appropriations Committee

Joint Favorable

Yea 33 Nay 16 (05/10/2021)