



General Assembly

Substitute Bill No. 6594

January Session, 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2 repealed and the following is substituted in lieu thereof (*Effective October*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 Section 53a-83 of the general statutes is repealed and the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 Section 53a-84 of the general statutes is repealed and the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. Section 51-279b of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

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 Section 54-72 of the general statutes is repealed and the

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

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

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

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

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

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

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

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

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

213 Sec. 11. Section 53a-181f of the general statutes is repealed and the
214 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

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

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

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

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

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

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

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

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

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

275 October 1, 2021):

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

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

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

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

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

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

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

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

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

374 four years older than the other person, (6) to any person charged with a
375 violation of section 9-359 or 9-359a, (7) to any person charged with a
376 motor vehicle violation (A) while operating a commercial motor vehicle,
377 as defined in section 14-1, or (B) who holds a commercial driver's license
378 or commercial driver's instruction permit at the time of the violation, (8)
379 to any person charged with a violation of subdivision (6) of subsection
380 (a) of section 53a-60, or (9) to a health care provider or vendor
381 participating in the state's Medicaid program charged with a violation
382 of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

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

408 community in which the offense or violation occurred. If the court
409 determines that community service is appropriate, such community
410 service may be implemented by a community court established in
411 accordance with section 51-181c if the offense or violation occurred
412 within the jurisdiction of a community court established by said section.
413 If the defendant is charged with a violation of section 46a-58, 53-37a,
414 53a-181j, 53a-181k or 53a-181l, the court may order that as a condition of
415 such probation the defendant participate in a hate crimes diversion
416 program as provided in subsection (e) of this section. If a defendant is
417 charged with a violation of section 53-247, the court may order that as a
418 condition of such probation the defendant undergo psychiatric or
419 psychological counseling or participate in an animal cruelty prevention
420 and education program provided such a program exists and is available
421 to the defendant.

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

440 (f) If a defendant released to the custody of the Court Support

441 Services Division satisfactorily completes such defendant's period of
442 probation, such defendant may apply for dismissal of the charges
443 against such defendant and the court, on finding such satisfactory
444 completion, shall dismiss such charges. If the defendant does not apply
445 for dismissal of the charges against such defendant after satisfactorily
446 completing such defendant's period of probation, the court, upon
447 receipt of a report submitted by the Court Support Services Division that
448 the defendant satisfactorily completed such defendant's period of
449 probation, may on its own motion make a finding of such satisfactory
450 completion and dismiss such charges. If a defendant transferred to the
451 court handling the criminal docket for drug-dependent persons
452 satisfactorily completes such defendant's period of supervision, the
453 court shall release the defendant to the custody of the Court Support
454 Services Division under such conditions as the court shall order or shall
455 dismiss such charges. Upon dismissal, all records of such charges shall
456 be erased pursuant to section 54-142a. An order of the court denying a
457 motion to dismiss the charges against a defendant who has completed
458 such defendant's period of probation or supervision or terminating the
459 participation of a defendant in such program shall be a final judgment
460 for purposes of appeal.

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

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

471 (a) (1) There shall be a pretrial alcohol education program for persons
472 charged with a violation of section 14-227a, 14-227g or 14-227m,
473 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-

474 133 or 15-140n. Upon application by any such person for participation
475 in such program, the court shall, but only as to the public, order the
476 court file sealed, and such person shall pay to the court an application
477 fee of one hundred dollars and a nonrefundable evaluation fee of one
478 hundred dollars, except as provided for in subsection (i) of this section,
479 and such person shall state under oath, in open court or before any
480 person designated by the clerk and duly authorized to administer oaths,
481 under penalties of perjury that: (A) If such person is charged with a
482 violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of
483 subsection (a) of section 14-227n, subsection (d) of section 15-133 or
484 section 15-140n, such person has not had such program invoked in such
485 person's behalf within the preceding ten years for a violation of section
486 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of
487 section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B)
488 such person has not been convicted of a violation of section 53a-56b or
489 53a-60d, a violation of subsection (a) of section 14-227a before, on or
490 after October 1, 1981, a violation of subdivision (1) or (2) of subsection
491 (a) of section 14-227a on or after October 1, 1985, a violation of section
492 14-227g, a violation of section 14-227m or a violation of subdivision (1)
493 or (2) of subsection (a) of section 14-227n, (C) such person has not been
494 convicted of a violation of section 15-132a, subsection (d) of section 15-
495 133, section 15-140l or section 15-140n, (D) such person has not been
496 convicted in any other state at any time of an offense the essential
497 elements of which are substantially the same as section 53a-56b, 53a-60d,
498 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a) of
499 section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a)
500 of section 14-227n or subsection (d) of section 15-133, and (E) notice has
501 been given by such person, by registered or certified mail on a form
502 prescribed by the Office of the Chief Court Administrator, to each victim
503 who sustained a serious physical injury, as defined in section 53a-3,
504 which was caused by such person's alleged violation, that such person
505 has applied to participate in the pretrial alcohol education program and
506 that such victim has an opportunity to be heard by the court on the
507 application.

508 (2) The court shall provide each such victim who sustained a serious
509 physical injury an opportunity to be heard prior to granting an
510 application under this section. Unless good cause is shown, a person
511 shall be ineligible for participation in such pretrial alcohol education
512 program if such person's alleged violation of section 14-227a, 14-227g or
513 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or
514 subsection (d) of section 15-133 caused the serious physical injury, as
515 defined in section 53a-3, of another person.

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

520 (b) The court, after consideration of the recommendation of the state's
521 attorney, assistant state's attorney or deputy assistant state's attorney in
522 charge of the case, may, in its discretion, grant such application. If the
523 court grants such application, the court shall refer such person to the
524 Court Support Services Division for assessment and confirmation of the
525 eligibility of the applicant and to the Department of Mental Health and
526 Addiction Services for evaluation. The Court Support Services Division,
527 in making its assessment and confirmation, may rely on the
528 representations made by the applicant under oath in open court with
529 respect to convictions in other states of offenses specified in subsection
530 (a) of this section. Upon confirmation of eligibility and receipt of the
531 evaluation report, the defendant shall be referred to the Department of
532 Mental Health and Addiction Services by the Court Support Services
533 Division for placement in an appropriate alcohol intervention program
534 for one year, or be placed in a state-licensed substance abuse treatment
535 program. The alcohol intervention program shall include a ten-session
536 intervention program and a fifteen-session intervention program. Any
537 person who enters the pretrial alcohol education program shall agree:
538 (1) To the tolling of the statute of limitations with respect to such crime,
539 (2) to a waiver of such person's right to a speedy trial, (3) to complete
540 ten or fifteen counseling sessions in an alcohol intervention program or

541 successfully complete a substance abuse treatment program of not less
542 than twelve sessions pursuant to this section dependent upon the
543 evaluation report and the court order, (4) to commence participation in
544 an alcohol intervention program or substance abuse treatment program
545 not later than ninety days after the date of entry of the court order unless
546 granted a delayed entry into a program by the court, (5) upon
547 completion of participation in the alcohol intervention program, to
548 accept placement in a substance abuse treatment program upon the
549 recommendation of a provider under contract with the Department of
550 Mental Health and Addiction Services pursuant to subsection (f) of this
551 section or placement in a state-licensed substance abuse treatment
552 program which meets standards established by the Department of
553 Mental Health and Addiction Services, if the Court Support Services
554 Division deems it appropriate, and (6) if ordered by the court, to
555 participate in at least one victim impact panel. The suspension of the
556 motor vehicle operator's license of any such person pursuant to section
557 14-227b shall be effective during the period such person is participating
558 in the pretrial alcohol education program, provided such person shall
559 have the option of not commencing the participation in such program
560 until the period of such suspension is completed. If the Court Support
561 Services Division informs the court that the defendant is ineligible for
562 such program and the court makes a determination of ineligibility or if
563 the program provider certifies to the court that the defendant did not
564 successfully complete the assigned program or is no longer amenable to
565 treatment and such person does not request, or the court denies,
566 program reinstatement under subsection (e) of this section, the court
567 shall order the court file to be unsealed, enter a plea of not guilty for
568 such defendant and immediately place the case on the trial list. If such
569 defendant satisfactorily completes the assigned program, such
570 defendant may apply for dismissal of the charges against such
571 defendant and the court, on reviewing the record of the defendant's
572 participation in such program submitted by the Court Support Services
573 Division and on finding such satisfactory completion, shall dismiss the
574 charges. If the defendant does not apply for dismissal of the charges
575 against such defendant after satisfactorily completing the assigned

576 program the court, upon receipt of the record of the defendant's
577 participation in such program submitted by the Court Support Services
578 Division, may on its own motion make a finding of such satisfactory
579 completion and dismiss the charges. Upon motion of the defendant and
580 a showing of good cause, the court may extend the one-year placement
581 period for a reasonable period for the defendant to complete the
582 assigned program. A record of participation in such program shall be
583 retained by the Court Support Services Division for a period of ten years
584 from the date the court grants the application for participation in such
585 program. The Court Support Services Division shall transmit to the
586 Department of Motor Vehicles a record of participation in such program
587 for each person who satisfactorily completes such program. The
588 Department of Motor Vehicles shall maintain for a period of ten years
589 the record of a person's participation in such program as part of such
590 person's driving record. The Court Support Services Division shall
591 transmit to the Department of Energy and Environmental Protection the
592 record of participation of any person who satisfactorily completes such
593 program who has been charged with a violation of the provisions of
594 subsection (d) of section 15-133 or section 15-140n. The Department of
595 Energy and Environmental Protection shall maintain for a period of ten
596 years the record of a person's participation in such program as a part of
597 such person's boater certification record.

598 (c) (1) At the time the court grants the application for participation in
599 the pretrial alcohol education program, such person shall also pay to the
600 court a nonrefundable program fee of three hundred fifty dollars if such
601 person is ordered to participate in the ten-session intervention program
602 and a nonrefundable program fee of five hundred dollars if such person
603 is ordered to participate in the fifteen-session intervention program. If
604 the court grants the application for participation in the pretrial alcohol
605 education program and such person is ordered to participate in a
606 substance abuse treatment program, such person shall be responsible
607 for the costs associated with participation in such program. No person
608 may be excluded from either program for inability to pay such fee or
609 cost, [provided (1) such person files with the court an affidavit of

610 indigency or inability to pay, (2) such indigency or inability to pay is
611 confirmed by the Court Support Services Division, and (3) the court
612 enters a finding thereof] and the court shall waive any such fee or cost
613 for any intervention program if such person is found eligible to have
614 such fee or cost waived under subsection (i) of this section.

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

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

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

637 (e) When a person subsequently requests reinstatement into an
638 alcohol intervention program or a substance abuse treatment program
639 and the Court Support Services Division verifies that such person is
640 eligible for reinstatement into such program and thereafter the court
641 favorably acts on such request, such person shall pay a nonrefundable

642 program fee of one hundred seventy-five dollars if ordered to complete
643 a ten-session intervention program or two hundred fifty dollars if
644 ordered to complete a fifteen-session intervention program, as the case
645 may be, [. Unless good cause is shown, such fees shall not be waived]
646 except as provided in subsection (i) of this section. If the court grants a
647 person's request to be reinstated into a treatment program, such person
648 shall be responsible for the costs, if any, associated with being reinstated
649 into the treatment program. All program fees collected in connection
650 with a reinstatement to an intervention program shall be credited to the
651 pretrial account established under section 54-56k. No person shall be
652 permitted more than two program reinstatements pursuant to this
653 subsection.

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

668 (g) The court may, as a condition of granting such application, require
669 that such person participate in a victim impact panel program approved
670 by the Court Support Services Division of the Judicial Department. Such
671 victim impact panel program shall provide a nonconfrontational forum
672 for the victims of alcohol-related or drug-related offenses and offenders
673 to share experiences on the impact of alcohol-related or drug-related
674 incidents in their lives. Such victim impact panel program shall be

675 conducted by a nonprofit organization that advocates on behalf of
676 victims of accidents caused by persons who operated a motor vehicle
677 while under the influence of intoxicating liquor or any drug, or both.
678 Such organization may assess a participation fee of not more than
679 seventy-five dollars on any person required by the court to participate
680 in such program, provided such organization shall offer a [hardship]
681 waiver when [it has determined that the imposition of a fee would pose
682 an economic hardship for such person] such person has been
683 determined indigent and eligible for representation by a public
684 defender who has been appointed on behalf of such person pursuant to
685 section 51-296.

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

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

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

703 (a) There is established a pretrial drug education and community
704 service program for persons charged with a violation of section 21a-257,
705 as amended by this act, 21a-267, as amended by this act, 21a-279, as
706 amended by this act, or 21a-279a. The pretrial drug education and

707 community service program shall include a fifteen-session drug
708 education program and a substance abuse treatment program of not less
709 than fifteen sessions, and the performance of community service.

710 (b) Upon application by any such person for participation in such
711 program, the court shall, but only as to the public, order the court file
712 sealed, and such person shall pay to the court of an application fee of
713 one hundred dollars and a nonrefundable evaluation fee of one hundred
714 fifty dollars, except as provided in subsection (1) of this section. A person
715 shall be ineligible for participation in such pretrial drug education and
716 community service program if such person has twice previously
717 participated in (1) the pretrial drug education program established
718 under the provisions of this section in effect prior to October 1, 2013, (2)
719 the community service labor program established under section 53a-39c,
720 as amended by this act, (3) the pretrial drug education and community
721 service program established under this section, or (4) any of such
722 programs, except that the court may allow a person who has twice
723 previously participated in such programs to participate in the pretrial
724 drug education and community service program one additional time,
725 for good cause shown. The evaluation and application fee imposed
726 under this subsection shall be credited to the pretrial account
727 established under section 54-56k.

728 (c) The court, after consideration of the recommendation of the state's
729 attorney, assistant state's attorney or deputy assistant state's attorney in
730 charge of the case, may, in its discretion, grant such application. If the
731 court grants such application, the court shall refer such person (1) to the
732 Court Support Services Division for confirmation of the eligibility of the
733 applicant, (2) to the Department of Mental Health and Addiction
734 Services for evaluation and determination of an appropriate drug
735 education or substance abuse treatment program for the first or second
736 time such application is granted, and (3) to a state-licensed substance
737 abuse treatment program for evaluation and determination of an
738 appropriate substance abuse treatment program for the third time such
739 application is granted, except that, if such person is a veteran, the court

740 may refer such person to the Department of Veterans Affairs or the
741 United States Department of Veterans Affairs, as applicable, for any
742 such evaluation and determination. For the purposes of this subsection
743 and subsection (d) of this section, "veteran" means any person who was
744 discharged or released under conditions other than dishonorable from
745 active service in the armed forces as defined in section 27-103.

746 (d) (1) (A) Upon confirmation of eligibility and receipt of the
747 evaluation and determination required under subsection (c) of this
748 section, such person shall be placed in the pretrial drug education and
749 community service program and referred by the Court Support Services
750 Division for the purpose of receiving appropriate drug education
751 services or substance abuse treatment program services, as
752 recommended by the evaluation conducted pursuant to subsection (c)
753 of this section and ordered by the court, to the Department of Mental
754 Health and Addiction Services or to a state-licensed substance abuse
755 treatment program for placement in the appropriate drug education or
756 substance abuse treatment program, except that, if such person is a
757 veteran, the division may refer such person to the Department of
758 Veterans Affairs or the United States Department of Veterans Affairs,
759 subject to the provisions of subdivision (2) of this subsection.

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

773 referred to a state-licensed substance abuse program for evaluation and
774 participation in a course of treatment as ordered by the court based on
775 the evaluation and determination required under subsection (c) of this
776 section.

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

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

800 (E) Any person who enters the pretrial drug education and
801 community service program shall agree: (i) To the tolling of the statute
802 of limitations with respect to such crime; (ii) to a waiver of such person's
803 right to a speedy trial; (iii) to complete participation in the pretrial drug
804 education and community service program, as ordered by the court; (iv)
805 to commence participation in the pretrial drug education and

806 community service program not later than ninety days after the date of
807 entry of the court order unless granted a delayed entry into the program
808 by the court; and (v) upon completion of participation in the pretrial
809 drug education and community service program, to accept (I) placement
810 in a treatment program upon the recommendation of a provider under
811 contract with the Department of Mental Health and Addiction Services
812 or a provider under the supervision of the Department of Veterans
813 Affairs or the United States Department of Veterans Affairs, or (II)
814 placement in a treatment program that has standards substantially
815 similar to, or higher than, a program of a provider under contract with
816 the Department of Mental Health and Addiction Services, if the Court
817 Support Services Division deems it appropriate.

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

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

836 (f) If such person satisfactorily completes the assigned program, such
837 person may apply for dismissal of the charges against such person and
838 the court, on reviewing the record of such person's participation in such

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

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

873 education and community service program or fails to complete the
874 assigned program, the program fee shall not be refunded. All program
875 fees shall be credited to the pretrial account established under section
876 54-56k.

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

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

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

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

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

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

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

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

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

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

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

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

969 (2) If such person is determined to have been dependent on alcohol

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

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

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

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

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

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

1014 (b) The court may order suspension of prosecution and order
1015 treatment for alcohol or drug dependency as provided in this section
1016 and sections 17a-697 and 17a-698 if it, after considering information
1017 before it concerning the alcohol or drug dependency of the person,
1018 including the examination report made pursuant to the provisions of
1019 section 17a-694, as amended by this act, finds that (1) the accused person
1020 was an alcohol-dependent or drug-dependent person at the time of the
1021 crime, (2) the person presently needs and is likely to benefit from
1022 treatment for the dependency, and (3) suspension of prosecution will
1023 advance the interests of justice. Treatment may begin no earlier than the
1024 date the clinical examiner reports under the provisions of section 17a-
1025 694, as amended by this act, that space is available in a treatment
1026 program. Upon application by any such person for participation in a
1027 treatment program, the court shall, but only as to the public, order the
1028 court file sealed.

1029 (c) A suspension of prosecution ordered under the provisions of
1030 subsection (b) of this section may be for a period not exceeding two
1031 years. During the period of suspension, an accused person shall be
1032 placed in the custody of the Court Support Services Division for
1033 treatment for alcohol or drug dependency. The court or the Court

1034 Support Services Division may require that the person (1) comply with
1035 any of the conditions specified in subsections (a) and (b) of section 53a-
1036 30, and (2) be tested for use of alcohol or drugs during the period of
1037 suspension. The accused person shall, unless indigent, pay the cost of
1038 treatment ordered under this section.

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

1044 (e) The court shall not suspend prosecution under subsection (b) of
1045 this section unless (1) the accused person has acknowledged that he or
1046 she understands the consequences of the suspension of prosecution, (2)
1047 the accused person has given notice, by registered or certified mail on a
1048 form prescribed by the Chief Court Administrator, to the victim, if any,
1049 of the crime of which the person is accused and of the pending motion
1050 for suspension of prosecution, (3) such victim, if any, has been given an
1051 opportunity to be heard on the motion for suspension of prosecution,
1052 and (4) the accused person, unless such accused person is indigent, has
1053 paid to the clerk of the court an administration fee of twenty-five dollars.

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

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

1059 (h) A person shall be deemed to be indigent for the purposes of this
1060 section if the court determines the person (1) has an estate insufficient
1061 to provide for the person's support or there is no other person legally
1062 liable or able to support the person, or (2) the person has been
1063 determined indigent and eligible for representation by a public
1064 defender who has been appointed on behalf of such person pursuant to

1065 section 51-296. The court shall not require a person to perform
1066 community service in lieu of payment of any cost or fee, if a cost or fee
1067 is waived due to indigency.

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

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

1078 (b) Any person who fails to keep such narcotic drug in the original
1079 container as provided in subsection (a) of this section, except as
1080 provided in subsection (c) of this section, shall be guilty of a class D
1081 misdemeanor.

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

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

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

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

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

1105 (a) (1) (A) Any person who is confined to a community correctional
1106 center or a correctional institution for an offense committed on or after
1107 July 1, 1981, and prior to October 1, 2021, under a mittimus or because
1108 such person is unable to obtain bail or is denied bail shall, if
1109 subsequently imprisoned, earn a reduction of such person's sentence
1110 equal to the number of days which such person spent in such facility
1111 from the time such person was placed in presentence confinement to the
1112 time such person began serving the term of imprisonment imposed;
1113 provided [(A)] (i) each day of presentence confinement shall be counted
1114 only once for the purpose of reducing all sentences imposed after such
1115 presentence confinement; and [(B)] (ii) the provisions of this section
1116 shall only apply to a person for whom the existence of a mittimus, an
1117 inability to obtain bail or the denial of bail is the sole reason for such
1118 person's presentence confinement, except that if a person is serving a
1119 term of imprisonment at the same time such person is in presentence
1120 confinement on another charge and the conviction for such
1121 imprisonment is reversed on appeal, such person shall be entitled, in
1122 any sentence subsequently imposed, to a reduction based on such
1123 presentence confinement in accordance with the provisions of this
1124 section. In the case of a fine, each day spent in such confinement prior
1125 to sentencing shall be credited against the sentence at a per diem rate
1126 equal to the average daily cost of incarceration as determined by the
1127 Commissioner of Correction.

1128 (B) Any person who is confined to a community correctional center
1129 or a correctional institution for an offense committed on or after October
1130 1, 2021, under a mittimus or because such person is unable to obtain bail
1131 or is denied bail shall, if subsequently imprisoned, earn a reduction of
1132 such person's sentence equal to the number of days which such person
1133 spent in such facility from the time such person was placed in
1134 presentence confinement to the time such person began serving the term
1135 of imprisonment imposed; provided (i) each day of presentence
1136 confinement shall be counted equally in reduction of any concurrent
1137 sentence imposed for any offense pending at the time such sentence was
1138 imposed; (ii) each day of presentence confinement shall be counted only
1139 once in reduction of any consecutive sentence so imposed; and (iii) the
1140 provisions of this section shall only apply to a person for whom the
1141 existence of a mittimus, an inability to obtain bail or the denial of bail is
1142 the sole reason for such person's presentence confinement, except that if
1143 a person is serving a term of imprisonment at the same time such person
1144 is in presentence confinement on another charge and the conviction for
1145 which such imprisonment was imposed is reversed on appeal, such
1146 person shall be entitled, in any sentence subsequently imposed, to a
1147 reduction based on such presentence confinement in accordance with
1148 the provisions of this section. In the case of a fine, each day spent in such
1149 confinement prior to sentencing shall be credited against the sentence at
1150 a per diem rate equal to the average daily cost of incarceration as
1151 determined by the Commissioner of Correction.

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

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

1161 half ounce. Any person who violates any provision of this subsection
1162 shall be guilty of a class C misdemeanor.

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

1173 (c) Any person who violates subsection (a) or (b) of this section [in or
1174 on, or within one thousand five hundred feet of,] (1) with intent to
1175 commit such violation at a specific location that the trier of fact
1176 determines is (A) in or on the real property comprising a public or
1177 private elementary or secondary school, or (B) within two hundred feet
1178 of the perimeter of the real property comprising a public or private
1179 elementary or secondary school, and (2) who is not enrolled as a student
1180 in such school shall be imprisoned for a term of one year which shall not
1181 be suspended and shall be in addition and consecutive to any term of
1182 imprisonment imposed for violation of subsection (a) or (b) of this
1183 section.

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

1194 repack, store, contain or conceal, or to ingest, inhale or otherwise
1195 introduce into the human body, less than one-half ounce of a cannabis-
1196 type substance. Any person who violates any provision of this
1197 subsection shall have committed an infraction.

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

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

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

1225 (b) Any person who violates section 21a-277 or 21a-278 by

1226 manufacturing, distributing, selling, prescribing, dispensing,
1227 compounding, transporting with the intent to sell or dispense,
1228 possessing with the intent to sell or dispense, offering, giving or
1229 administering to another person any controlled substance [in or on, or
1230 within one thousand five hundred feet of,] with intent to commit such
1231 violation at a specific location that the trier of fact determines is (1) in or
1232 on the real property comprising a (A) public or private elementary or
1233 secondary school, [a] (B) public housing project, or [a] (C) licensed child
1234 care center, as defined in section 19a-77, that is identified as a child care
1235 center by a sign posted in a conspicuous place, or (2) within two
1236 hundred feet of the perimeter of the real property comprising such (A)
1237 public or private elementary or secondary school, (B) public housing
1238 project, or (C) licensed child care center, shall be imprisoned for a term
1239 of three years, which shall not be suspended and shall be in addition
1240 and consecutive to any term of imprisonment imposed for violation of
1241 section 21a-277 or 21a-278. To constitute a violation of this subsection,
1242 an act of transporting or possessing a controlled substance shall be with
1243 intent to sell or dispense in or on, or within [one thousand five] two
1244 hundred feet of the perimeter of, the real property comprising a public
1245 or private elementary or secondary school, a public housing project or a
1246 licensed child care center, as defined in section 19a-77, that is identified
1247 as a child care center by a sign posted in a conspicuous place. For the
1248 purposes of this subsection, "public housing project" means dwelling
1249 accommodations operated as a state or federally subsidized multifamily
1250 housing project by a housing authority, nonprofit corporation or
1251 municipal developer, as defined in section 8-39, pursuant to chapter 128
1252 or by the Connecticut Housing Authority pursuant to chapter 129.

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

1258 Sec. 27. Section 21a-279 of the general statutes is repealed and the

1259 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

1273 (b) Any person who violates subsection (a) of this section in or on, or
1274 within [one thousand five] two hundred feet of [,] the perimeter of the
1275 real property comprising a (1) public or private elementary or secondary
1276 school and who is not enrolled as a student in such school, or [a] (2)
1277 licensed child care center, as defined in section 19a-77, that is identified
1278 as a child care center by a sign posted in a conspicuous place, shall be
1279 guilty of a class A misdemeanor and shall be sentenced to a term of
1280 imprisonment and a period of probation during which such person shall
1281 perform community service as a condition of such probation, in a
1282 manner ordered by the court.

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

1287 (d) The provisions of subsection (a) of this section shall not apply to
1288 any person (1) who in good faith, seeks medical assistance for another
1289 person who such person reasonably believes is experiencing an

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

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

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

1308 (a) [At] Except as provided in subsection (b) of this section, at any
1309 time during [the period of a definite sentence of three years or less] an
1310 executed period of incarceration, the sentencing court or judge may,
1311 after hearing and for good cause shown, reduce the sentence, order the
1312 defendant discharged, or order the defendant discharged on probation
1313 or conditional discharge for a period not to exceed that to which the
1314 defendant could have been originally sentenced.

1315 (b) At any time during the period of a [definite] sentence in which a
1316 defendant has been sentenced to an executed period of incarceration of
1317 more than [three] seven years as a result of a plea agreement, including
1318 an agreement in which there is an agreed upon range of sentence, upon
1319 agreement of the defendant and the state's attorney to seek review of the
1320 sentence, the sentencing court or judge may, after hearing and for good
1321 cause shown, reduce the sentence, order the defendant discharged, or

1322 order the defendant discharged on probation or conditional discharge
1323 for a period not to exceed that to which the defendant could have been
1324 originally sentenced.

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

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

1333 [(d)] (e) At a hearing held by the sentencing court or judge under this
1334 section, such court or judge shall permit any victim of the crime to
1335 appear before the court or judge for the purpose of making a statement
1336 for the record concerning whether or not the sentence of the defendant
1337 should be reduced, the defendant should be discharged or the
1338 defendant should be discharged on probation or conditional discharge
1339 pursuant to subsection (a) or (b) of this section. In lieu of such
1340 appearance, the victim may submit a written statement to the court or
1341 judge and the court or judge shall make such statement a part of the
1342 record at the hearing. For the purposes of this subsection, "victim"
1343 means the victim, the legal representative of the victim or a member of
1344 the deceased victim's immediate family.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	54-86(a)
Sec. 2	October 1, 2021	53a-83
Sec. 3	October 1, 2021	53a-84
Sec. 4	October 1, 2021	7-22
Sec. 5	October 1, 2021	7-81
Sec. 6	October 1, 2021	51-279b
Sec. 7	October 1, 2021	54-72

Sec. 8	<i>October 1, 2021</i>	54-73
Sec. 9	<i>October 1, 2021</i>	1-110a(f)
Sec. 10	<i>October 1, 2021</i>	53a-290
Sec. 11	<i>October 1, 2021</i>	53a-181f
Sec. 12	<i>October 1, 2021</i>	53a-189c
Sec. 13	<i>October 1, 2021</i>	53a-40(f) and (g)
Sec. 14	<i>October 1, 2021</i>	53a-39c(b)
Sec. 15	<i>October 1, 2021</i>	54-56e
Sec. 16	<i>October 1, 2021</i>	54-56g
Sec. 17	<i>October 1, 2021</i>	54-56i
Sec. 18	<i>October 1, 2021</i>	54-56j(f)
Sec. 19	<i>October 1, 2021</i>	46b-38c(i)
Sec. 20	<i>October 1, 2021</i>	17a-694
Sec. 21	<i>October 1, 2021</i>	17a-696
Sec. 22	<i>October 1, 2021</i>	21a-257
Sec. 23	<i>October 1, 2021</i>	51-164r
Sec. 24	<i>October 1, 2021</i>	18-98d(a)(1)
Sec. 25	<i>October 1, 2021</i>	21a-267
Sec. 26	<i>October 1, 2021</i>	21a-278a
Sec. 27	<i>October 1, 2021</i>	21a-279
Sec. 28	<i>from passage</i>	53a-39

Statement of Legislative Commissioners:

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

JUD *Joint Favorable Subst.*