



General Assembly

January Session, 2021

Raised Bill No. 960

LCO No. 3956



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PRETRIAL ALCOHOL AND DRUG
EDUCATION PROGRAMS.***

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

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 Section 54-56g of the general statutes is repealed and the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

3 [(a) (1) There shall be a pretrial alcohol education program for
4 persons charged with a violation of section 14-227a, 14-227g or 14-227m,
5 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-
6 133 or 15-140n. Upon application by any such person for participation
7 in such program, the court shall, but only as to the public, order the
8 court file sealed, and such person shall pay to the court an application
9 fee of one hundred dollars and a nonrefundable evaluation fee of one
10 hundred dollars, and such person shall state under oath, in open court
11 or before any person designated by the clerk and duly authorized to
12 administer oaths, under penalties of perjury that: (A) If such person is
13 charged with a violation of section 14-227a, 14-227g or 14-227m,
14 subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d)
15 of section 15-133 or section 15-140n, such person has not had such

16 program invoked in such person's behalf within the preceding ten years
17 for a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or
18 (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133
19 or section 15-140n, (B) such person has not been convicted of a violation
20 of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-
21 227a before, on or after October 1, 1981, a violation of subdivision (1) or
22 (2) of subsection (a) of section 14-227a on or after October 1, 1985, a
23 violation of section 14-227g, a violation of section 14-227m or a violation
24 of subdivision (1) or (2) of subsection (a) of section 14-227n, (C) such
25 person has not been convicted of a violation of section 15-132a,
26 subsection (d) of section 15-133, section 15-140l or section 15-140n, (D)
27 such person has not been convicted in any other state at any time of an
28 offense the essential elements of which are substantially the same as
29 section 53a-56b, 53a-60d, 15-132a, 15-140l or 15-140n, subdivision (1) or
30 (2) of subsection (a) of section 14-227a, section 14-227m, subdivision (1)
31 or (2) of subsection (a) of section 14-227n or subsection (d) of section 15-
32 133, and (E) notice has been given by such person, by registered or
33 certified mail on a form prescribed by the Office of the Chief Court
34 Administrator, to each victim who sustained a serious physical injury,
35 as defined in section 53a-3, which was caused by such person's alleged
36 violation, that such person has applied to participate in the pretrial
37 alcohol education program and that such victim has an opportunity to
38 be heard by the court on the application.

39 (2) The court shall provide each such victim who sustained a serious
40 physical injury an opportunity to be heard prior to granting an
41 application under this section. Unless good cause is shown, a person
42 shall be ineligible for participation in such pretrial alcohol education
43 program if such person's alleged violation of section 14-227a, 14-227g or
44 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or
45 subsection (d) of section 15-133 caused the serious physical injury, as
46 defined in section 53a-3, of another person.

47 (3) The application fee imposed under this subsection shall be
48 credited to the Criminal Injuries Compensation Fund established under
49 section 54-215. The evaluation fee imposed under this subsection shall

50 be credited to the pretrial account established under section 54-56k.

51 (b) The court, after consideration of the recommendation of the state's
52 attorney, assistant state's attorney or deputy assistant state's attorney in
53 charge of the case, may, in its discretion, grant such application. If the
54 court grants such application, the court shall refer such person to the
55 Court Support Services Division for assessment and confirmation of the
56 eligibility of the applicant and to the Department of Mental Health and
57 Addiction Services for evaluation. The Court Support Services Division,
58 in making its assessment and confirmation, may rely on the
59 representations made by the applicant under oath in open court with
60 respect to convictions in other states of offenses specified in subsection
61 (a) of this section. Upon confirmation of eligibility and receipt of the
62 evaluation report, the defendant shall be referred to the Department of
63 Mental Health and Addiction Services by the Court Support Services
64 Division for placement in an appropriate alcohol intervention program
65 for one year, or be placed in a state-licensed substance abuse treatment
66 program. The alcohol intervention program shall include a ten-session
67 intervention program and a fifteen-session intervention program. Any
68 person who enters the pretrial alcohol education program shall agree:
69 (1) To the tolling of the statute of limitations with respect to such crime,
70 (2) to a waiver of such person's right to a speedy trial, (3) to complete
71 ten or fifteen counseling sessions in an alcohol intervention program or
72 successfully complete a substance abuse treatment program of not less
73 than twelve sessions pursuant to this section dependent upon the
74 evaluation report and the court order, (4) to commence participation in
75 an alcohol intervention program or substance abuse treatment program
76 not later than ninety days after the date of entry of the court order unless
77 granted a delayed entry into a program by the court, (5) upon
78 completion of participation in the alcohol intervention program, to
79 accept placement in a substance abuse treatment program upon the
80 recommendation of a provider under contract with the Department of
81 Mental Health and Addiction Services pursuant to subsection (f) of this
82 section or placement in a state-licensed substance abuse treatment
83 program which meets standards established by the Department of

84 Mental Health and Addiction Services, if the Court Support Services
85 Division deems it appropriate, and (6) if ordered by the court, to
86 participate in at least one victim impact panel. The suspension of the
87 motor vehicle operator's license of any such person pursuant to section
88 14-227b shall be effective during the period such person is participating
89 in the pretrial alcohol education program, provided such person shall
90 have the option of not commencing the participation in such program
91 until the period of such suspension is completed. If the Court Support
92 Services Division informs the court that the defendant is ineligible for
93 such program and the court makes a determination of ineligibility or if
94 the program provider certifies to the court that the defendant did not
95 successfully complete the assigned program or is no longer amenable to
96 treatment and such person does not request, or the court denies,
97 program reinstatement under subsection (e) of this section, the court
98 shall order the court file to be unsealed, enter a plea of not guilty for
99 such defendant and immediately place the case on the trial list. If such
100 defendant satisfactorily completes the assigned program, such
101 defendant may apply for dismissal of the charges against such
102 defendant and the court, on reviewing the record of the defendant's
103 participation in such program submitted by the Court Support Services
104 Division and on finding such satisfactory completion, shall dismiss the
105 charges. If the defendant does not apply for dismissal of the charges
106 against such defendant after satisfactorily completing the assigned
107 program the court, upon receipt of the record of the defendant's
108 participation in such program submitted by the Court Support Services
109 Division, may on its own motion make a finding of such satisfactory
110 completion and dismiss the charges. Upon motion of the defendant and
111 a showing of good cause, the court may extend the one-year placement
112 period for a reasonable period for the defendant to complete the
113 assigned program. A record of participation in such program shall be
114 retained by the Court Support Services Division for a period of ten years
115 from the date the court grants the application for participation in such
116 program. The Court Support Services Division shall transmit to the
117 Department of Motor Vehicles a record of participation in such program
118 for each person who satisfactorily completes such program. The

119 Department of Motor Vehicles shall maintain for a period of ten years
120 the record of a person's participation in such program as part of such
121 person's driving record. The Court Support Services Division shall
122 transmit to the Department of Energy and Environmental Protection the
123 record of participation of any person who satisfactorily completes such
124 program who has been charged with a violation of the provisions of
125 subsection (d) of section 15-133 or section 15-140n. The Department of
126 Energy and Environmental Protection shall maintain for a period of ten
127 years the record of a person's participation in such program as a part of
128 such person's boater certification record.

129 (c) At the time the court grants the application for participation in the
130 pretrial alcohol education program, such person shall also pay to the
131 court a nonrefundable program fee of three hundred fifty dollars if such
132 person is ordered to participate in the ten-session intervention program
133 and a nonrefundable program fee of five hundred dollars if such person
134 is ordered to participate in the fifteen-session intervention program. If
135 the court grants the application for participation in the pretrial alcohol
136 education program and such person is ordered to participate in a
137 substance abuse treatment program, such person shall be responsible
138 for the costs associated with participation in such program. No person
139 may be excluded from either program for inability to pay such fee or
140 cost, provided (1) such person files with the court an affidavit of
141 indigency or inability to pay, (2) such indigency or inability to pay is
142 confirmed by the Court Support Services Division, and (3) the court
143 enters a finding thereof. If the court finds that a person is indigent or
144 unable to pay for a treatment program, the costs of such program shall
145 be paid from the pretrial account established under section 54-56k. If the
146 court finds that a person is indigent or unable to pay for an intervention
147 program, the court may waive all or any portion of the fee for such
148 intervention program. If the court denies the application, such person
149 shall not be required to pay the program fee. If the court grants the
150 application and such person is later determined to be ineligible for
151 participation in such pretrial alcohol education program or fails to
152 complete the assigned program, the program fee shall not be refunded.

153 All program fees shall be credited to the pretrial account established
154 under section 54-56k.

155 (d) If a person returns to court with certification from a program
156 provider that such person did not successfully complete the assigned
157 program or is no longer amenable to treatment, the provider, to the
158 extent practicable, shall include a recommendation to the court as to
159 whether a ten-session intervention program, a fifteen-session
160 intervention program or placement in a state-licensed substance abuse
161 treatment program would best serve such person's needs. The provider
162 shall also indicate whether the current program referral was an initial
163 referral or a reinstatement to the program.

164 (e) When a person subsequently requests reinstatement into an
165 alcohol intervention program or a substance abuse treatment program
166 and the Court Support Services Division verifies that such person is
167 eligible for reinstatement into such program and thereafter the court
168 favorably acts on such request, such person shall pay a nonrefundable
169 program fee of one hundred seventy-five dollars if ordered to complete
170 a ten-session intervention program or two hundred fifty dollars if
171 ordered to complete a fifteen-session intervention program, as the case
172 may be. Unless good cause is shown, such fees shall not be waived. If
173 the court grants a person's request to be reinstated into a treatment
174 program, such person shall be responsible for the costs, if any,
175 associated with being reinstated into the treatment program. All
176 program fees collected in connection with a reinstatement to an
177 intervention program shall be credited to the pretrial account
178 established under section 54-56k. No person shall be permitted more
179 than two program reinstatements pursuant to this subsection.

180 (f) The Department of Mental Health and Addiction Services shall
181 contract with service providers, develop standards and oversee
182 appropriate alcohol programs to meet the requirements of this section.
183 Said department shall adopt regulations, in accordance with chapter 54,
184 to establish standards for such alcohol programs. Any person ordered
185 to participate in a treatment program shall do so at a state-licensed

186 treatment program which meets the standards established by said
187 department. Any defendant whose employment or residence makes it
188 unreasonable to attend an alcohol intervention program or a substance
189 abuse treatment program in this state may attend a program in another
190 state which has standards substantially similar to, or higher than, those
191 of this state, subject to the approval of the court and payment of the
192 application, evaluation and program fees and treatment costs, as
193 appropriate, as provided in this section.

194 (g) The court may, as a condition of granting such application, require
195 that such person participate in a victim impact panel program approved
196 by the Court Support Services Division of the Judicial Department. Such
197 victim impact panel program shall provide a nonconfrontational forum
198 for the victims of alcohol-related or drug-related offenses and offenders
199 to share experiences on the impact of alcohol-related or drug-related
200 incidents in their lives. Such victim impact panel program shall be
201 conducted by a nonprofit organization that advocates on behalf of
202 victims of accidents caused by persons who operated a motor vehicle
203 while under the influence of intoxicating liquor or any drug, or both.
204 Such organization may assess a participation fee of not more than
205 seventy-five dollars on any person required by the court to participate
206 in such program, provided such organization shall offer a hardship
207 waiver when it has determined that the imposition of a fee would pose
208 an economic hardship for such person.

209 (h) The provisions of this section shall not be applicable in the case of
210 any person charged with a violation of section 14-227a or 14-227m or
211 subdivision (1) or (2) of subsection (a) of section 14-227n (1) while
212 operating a commercial motor vehicle, as defined in section 14-1, or (2)
213 who holds a commercial driver's license or commercial driver's
214 instruction permit at the time of the violation.]

215 (a) (1) There is established a pretrial alcohol intervention program for
216 persons charged with a violation of section 14-227a, 14-227g, 14-227m,
217 14-227n, subsection (d) of section 15-133 or section 15-140n. The
218 program shall consist of a twelve-session alcohol education component

219 or a substance use treatment component of not less than fifteen sessions
220 and may also include a victim impact component, as ordered by the
221 court pursuant to subsection (d) of this section.

222 (2) The provisions of this section shall not apply to any person:

223 (A) Who has been placed in the pretrial alcohol intervention program
224 under this section or the pretrial alcohol education program established
225 under the provisions of this section in effect prior to January 1, 2021,
226 within ten years immediately preceding the date of the application;

227 (B) Who has been allowed to participate in an alcohol or drug
228 education, treatment or similar program in any other state that has
229 resulted or may result in the reduction or dismissal of charges for an
230 offense, the essential elements of which are substantially the same as
231 section 14-227a, 14-227g, 14-227m, 14-227n, subsection (d) of section 15-
232 133 or section 15-140n, within ten years immediately preceding the date
233 of the application;

234 (C) Who has been convicted of a violation of section 14-227a, 14-227g,
235 14-227m, 14-227n, 15-132a, subsection (d) of section 15-133, section 15-
236 140l, 15-140n, 53a-56b or 53a-60d;

237 (D) Who has been convicted in any other state at any time of an
238 offense the essential elements of which are substantially the same as
239 section 14-227a, 14-227g, 14-227m, 14-227n, 15-132a, subsection (d) of
240 section 15-133, section 15-140l, 15-140n, 53a-56b or 53a-60d;

241 (E) Who is charged with a violation of section 14-227a, 14-227g, 14-
242 227m or 14-227n, (i) and holds a commercial driver's license or
243 commercial driver's instruction permit at the time of the violation, or (ii)
244 while operating a commercial motor vehicle, as defined in section 14-1;
245 or

246 (F) Whose alleged violation caused the serious physical injury, as
247 defined in section 53a-3, of another person, unless good cause is shown.

248 (b) Upon application for participation in the program:

249 (1) The court shall, but only as to the public, order the court file
250 sealed;

251 (2) The applicant shall pay to the court a nonrefundable application
252 fee of one hundred dollars, which shall be credited to the Criminal
253 Injuries Compensation Fund established under section 54-215, and a
254 nonrefundable evaluation fee of one hundred fifty dollars, which shall
255 be credited to the pretrial account established under section 54-56k;

256 (3) The applicant shall agree that, if the court grants the application
257 and places the applicant in the program pursuant to subsection (d) of
258 this section:

259 (A) The statute of limitations for any alleged violations for which the
260 court grants the application for the program shall be tolled;

261 (B) The applicant waives the right to a speedy trial;

262 (C) The applicant will begin participation in the components of the
263 program ordered by the court not later than ninety days after the date
264 that the court places the applicant in the program, unless the applicant
265 requests, and the court allows a later start date;

266 (D) The applicant will successfully complete any components of the
267 program ordered by the court;

268 (E) The applicant will not engage in any conduct that is inconsistent
269 with the purposes of this program, including, but not limited to,
270 engaging in any conduct that would be a violation of section 14-227a,
271 14-227g, 14-227m, 14-227n, subsection (d) of section 15-133 or section 15-
272 140n; and

273 (F) Upon completion of participation in the alcohol education or
274 substance use treatment component of the program ordered by the
275 court, the applicant may be required to participate in additional
276 substance use treatment pursuant to subparagraph (A) of subdivision
277 (2) of subsection (h) of this section to satisfactorily complete the program
278 if a program component provider recommends such additional

279 treatment and the Court Support Services Division deems it appropriate
280 or the court orders the additional treatment; and

281 (4) The court shall refer the applicant to (A) the Court Support
282 Services Division for confirmation of eligibility to participate in the
283 program, and (B) the Department of Mental Health and Addiction
284 Services for evaluation and determination of the appropriate alcohol
285 education or substance use treatment component.

286 (c) Immediately following application, the applicant shall send
287 notice, by registered or certified mail on a form prescribed by the Office
288 of the Chief Court Administrator, to any victim who sustained a serious
289 physical injury, as defined in section 53a-3, as a result of the applicant's
290 alleged violation. The notice shall inform the victim that the applicant
291 has applied to participate in the pretrial alcohol intervention program
292 and that the victim has an opportunity to be heard by the court on the
293 application. The court shall provide each such victim an opportunity to
294 be heard prior to granting an application under this section.

295 (d) (1) Upon confirmation of eligibility and that the applicant sent the
296 notice required under subsection (c) of this section, receipt of the
297 evaluation and determination required under subparagraph (B) of
298 subdivision (4) of subsection (b) of this section, and after consideration
299 of any victim statement and the recommendation of the state's attorney,
300 assistant state's attorney or deputy assistant state's attorney in charge of
301 the case, the court may, in its discretion, grant the application for, and
302 place the applicant in, the pretrial alcohol intervention program for a
303 period of one year.

304 (2) If the court grants the application and places the applicant in the
305 program, the court (A) shall order the applicant to participate in the
306 alcohol education or substance use treatment component of the
307 program, as recommended by the evaluation conducted pursuant to
308 subparagraph (B) of subdivision (4) of subsection (b) of this section and
309 determined to be appropriate by the court, and (B) may also order the
310 applicant to participate in a victim impact component for which the

311 applicant must attend a victim impact panel approved by the Court
312 Support Services Division pursuant to subdivision (1) of subsection (f)
313 of this section.

314 (3) If the court grants the application, the suspension of the motor
315 vehicle operator's license, pursuant to section 14-227b, of any person
316 placed in the program shall be effective during the period such person
317 is participating in the program, unless such person delayed
318 participation in the program until after the license suspension is
319 complete in accordance with subparagraph (C) of subdivision (3) of
320 subsection (b) of this section.

321 (4) If the Court Support Services Division informs the court that the
322 applicant is not eligible for the program and the court makes a
323 determination of ineligibility, the court shall deny the application, order
324 the court file to be unsealed, enter a plea of not guilty for such person
325 and immediately place the case on the trial list. If the court denies the
326 application, the applicant shall not be required to pay any program or
327 participation fee specified in this section.

328 (e) (1) At the time that any person is placed in the program and
329 ordered to participate in the alcohol education or substance use
330 treatment component, such person shall, if ordered to participate in the
331 (A) alcohol education component, pay to the court a nonrefundable
332 program fee of five hundred dollars, or (B) substance use treatment
333 component, pay to the court a nonrefundable program fee of one
334 hundred dollars and shall also pay to the treatment provider any costs
335 associated with such treatment. All program fees shall be credited to the
336 pretrial account established under section 54-56k.

337 (2) Any person placed in the program and ordered to participate in
338 the victim impact component shall, at the time such person attends the
339 victim impact panel, pay the organization conducting the victim impact
340 panel pursuant to subdivision (1) of subsection (f) of this section the
341 participation fee required by such organization.

342 (3) (A) No person may be excluded from any component of the

343 program because such person is indigent and unable to pay the
344 associated fee or cost, provided (i) such person files with the court an
345 affidavit of indigency, and (ii) the court enters a finding of such
346 indigency.

347 (B) If the court finds that a person is indigent and unable to pay for
348 the program application or evaluation component of the program, the
349 court may waive all or any portion of these fees.

350 (C) If the court finds that a person is indigent and unable to pay for
351 the alcohol education component of the program, the court may waive
352 all or any portion of the program fee for that component.

353 (D) If the court finds that a person is indigent and unable to pay for
354 the substance use treatment component of the program, the court may
355 wave all or any portion of the program fee for that component and the
356 costs of such treatment. Any costs waived under this subparagraph shall
357 be paid from the pretrial account established under section 54-56k.

358 (f) (1) The Court Support Services Division shall approve a nonprofit
359 organization that advocates on behalf of victims of accidents caused by
360 persons who operated a motor vehicle while under the influence of
361 intoxicating liquor or drugs, or both, to provide victim impact panels for
362 the victim impact component of the program. Victim impact panels shall
363 provide a nonconfrontational forum for the victims of alcohol or drug-
364 related offenses and offenders to share experiences on the impact of
365 alcohol or drug-related incidents in their lives. Such organization may
366 assess a participation fee of not more than seventy-five dollars per panel
367 on any person ordered to participate in the victim impact component of
368 the program, provided such organization offers a hardship waiver of
369 the participation fee when it determines that the imposition of the fee
370 would pose an economic hardship for such person.

371 (2) The Court Support Services Division shall refer any person (A)
372 placed in the program to the Department of Mental Health and
373 Addiction Services or to a state-licensed substance use treatment
374 provider with facilities that are in compliance with all state standards

375 governing the operation of such facilities, as appropriate, for the
376 purpose of receiving the alcohol education or substance use treatment
377 component services ordered by the court, and (B) ordered to participate
378 in the victim impact component to an organization approved to conduct
379 victim impact panels in accordance with subdivision (1) of this
380 subsection.

381 (3) The Court Support Services Division may allow any person placed
382 in the program whose employment, residence or schooling makes it
383 unreasonable to participate in any component of the program ordered
384 by the court in this state to satisfy the applicable program components
385 in another state if (A) the out-of-state component provider has standards
386 substantially similar to, or higher than, those of this state, (B) for any
387 substance use treatment component, the out-of-state substance use
388 treatment provider is licensed by the state in which treatment will be
389 provided, (C) the person allowed to satisfy the components of the
390 program in another state pays the applicable program fee and costs
391 provided in this section, and (D) the court approves the out-of-state
392 referral.

393 (g) The Department of Mental Health and Addiction Services shall
394 administer the alcohol education component of the program and shall
395 adopt regulations, in accordance with chapter 54, to establish standards
396 for such alcohol education component. The department may combine
397 the services for the alcohol education component under the provisions
398 of this section with the services for the drug education component under
399 the provisions of section 54-56i, as amended by this act, if necessary to
400 ensure the appropriate and timely access to the court ordered education
401 components. The department may contract with service providers to
402 provide the appropriate drug and alcohol education components in
403 accordance with the provisions of this section.

404 (h) (1) All program component providers shall provide the Court
405 Support Services Division with a certification regarding the
406 participation of each person referred to such provider pursuant to this
407 section in the manner required by the Court Support Services Division.

408 (A) If such person has successfully completed the applicable program
409 component, the certification shall indicate such successful completion
410 and state whether additional substance use treatment is recommended.

411 (B) If such person has failed to successfully complete the applicable
412 program component, the certification shall indicate the reasons for such
413 failure, whether the person is no longer amenable to education or
414 treatment and whether the current referral was an initial referral or a
415 reinstatement into the program component. The certification of failure
416 shall also, to the extent practicable, include a recommendation as to
417 whether an alternative alcohol education or substance use treatment
418 component would best serve such person's needs.

419 (2) Upon receipt of a participation certification from any program
420 component provider pursuant to this subsection, the Court Support
421 Services Division (A) may, if the certification indicates that a person who
422 was placed in the program successfully completed the alcohol education
423 or substance use treatment component ordered by the court, but the
424 program component provider recommends additional substance use
425 treatment for such person and the Court Support Services Division
426 deems such additional treatment appropriate, require such person to
427 participate in the recommended additional substance use treatment in
428 order to satisfactorily complete the pretrial alcohol intervention
429 program, and (B) shall provide the court with a final progress report
430 indicating whether such person has successfully completed any
431 components of the program ordered by the court and whether the Court
432 Support Services Division required such person to participate in any
433 additional substance use treatment after successful completion of the
434 program component initially ordered by the court. The final progress
435 report shall include any other information obtained during the
436 supervision of such person relevant to such person's participation in the
437 program.

438 (i) (1) If any person placed in the program successfully completes all
439 components of the program ordered by the court and any additional
440 substance use treatment required by the Court Support Services
441 Division and has paid all fees or costs required under the provisions of

442 this section, at the conclusion of such person's period of participation in
443 the program, such person may apply for dismissal of the charges against
444 such person. Upon application, the court shall review the final progress
445 report submitted by the Court Support Services Division regarding such
446 person and any other relevant information, including whether such
447 person has paid all fees or costs required under the provisions of this
448 section. If the court finds that such person has satisfactorily completed
449 the pretrial alcohol intervention program, the court shall dismiss the
450 charges, unless such person has not paid all fees or costs required under
451 the provisions of this section, in which case, the court shall either
452 continue the case until such fees or costs are paid or waive any
453 outstanding fees or costs prior to dismissing the charges.

454 (2) If any person who has successfully completed all components of
455 the program ordered by the court and any additional substance use
456 treatment required by the Court Support Services Division does not
457 apply for dismissal of the charges against such person at the conclusion
458 of such person's period of participation in the program, the court, upon
459 review of the final progress report regarding such person submitted by
460 the Court Support Services Division and any other relevant information,
461 including whether such person has paid all fees or costs required under
462 the provisions of this section, may, on its own motion, make a finding
463 of satisfactory completion of the pretrial alcohol intervention program
464 and dismiss the charges. If the court determines that such person has
465 not paid all fees or costs required under the provisions of this section,
466 such court shall either not dismiss the charges on its own motion until
467 such fees or costs are paid or waive any outstanding fees or costs prior
468 to dismissing the charges.

469 (3) Upon the motion of any person placed in the program and a
470 showing of good cause, the court may extend the program placement
471 period for a reasonable period of time to allow such person to complete
472 the applicable program components.

473 (j) If the final progress report submitted by the Court Support
474 Services Division indicates that any person placed in the program has

475 failed to successfully complete any component of the program ordered
476 by the court or is no longer amenable to treatment or, upon review of
477 any other relevant information, the court finds that any person placed
478 in the program is otherwise ineligible to continue participating in the
479 program, the court shall terminate such person's participation in the
480 program. No program fees shall be refunded to any person whose
481 participation in the program is terminated. Unless such person requests,
482 and the court grants, reinstatement into the program pursuant to
483 subsection (k) of this section, the court shall order the court file to be
484 unsealed, enter a plea of not guilty for such person and immediately
485 place the case on the trial list.

486 (k) (1) Any person who fails to successfully complete any component
487 of the program ordered by the court or whom the court finds to be
488 otherwise ineligible to continue participating in the program may ask
489 the court to reinstate such person into the program up to two times.

490 (2) If a person requests reinstatement into the program, the Court
491 Support Services Division shall verify that such person is eligible for
492 such reinstatement.

493 (3) If a person requesting reinstatement into the program is eligible
494 for reinstatement, the court shall review any final progress report
495 submitted by the Court Support Services Division regarding such
496 person's failure to complete any program components initially ordered
497 and any other relevant information, and may, in its discretion, grant
498 such person reinstatement into the program. When granting such
499 reinstatement, the court shall order the defendant to participate in the
500 appropriate alcohol education, substance use treatment or victim impact
501 component of the program in accordance with subdivision (2) of
502 subsection (d) of this section.

503 (4) (A) Any person reinstated into the program shall pay (i) a
504 nonrefundable program fee of two hundred fifty dollars if ordered to
505 participate in the alcohol education component of the program, or (ii)
506 the costs of any substance use treatment if ordered to participate in the

507 substance use treatment component of the program.

508 (B) Unless good cause is shown, the court shall not waive the
509 program fee or the costs of substance use treatment associated with
510 reinstatement into the program.

511 (C) All program fees collected in connection with a reinstatement to
512 the program shall be credited to the pretrial account established under
513 section 54-56k.

514 (l) (1) If any person applies for both the pretrial alcohol intervention
515 program under the provisions of this section and the pretrial drug
516 intervention and community service program pursuant to section 54-
517 56i, as amended by this act, for charges arising from the same arrest, and
518 the Department of Mental Health and Addiction Services has already
519 completed the required evaluation and determination of the
520 appropriate drug education or substance use treatment component
521 under the provisions of section 54-56i, as amended by this act, the court
522 may rely on such evaluation and determination for the purposes of
523 ordering participation in the alcohol education or substance use
524 treatment component of the program under the provisions of this
525 section. If the court relies on such evaluation and determination, such
526 person shall not be required to pay the evaluation fee under the
527 provisions of subdivision (2) of subsection (b) of this section, provided
528 such person has paid, or the court has waived, the evaluation fee
529 pursuant to section 54-56i, as amended by this act.

530 (2) If any person is placed in both the pretrial alcohol intervention
531 program under the provisions of this section and the pretrial drug
532 intervention and community service program pursuant to section 54-
533 56i, as amended by this act, for charges arising from the same arrest, the
534 court may find that:

535 (A) Such person's successful completion of the alcohol education
536 component of the pretrial alcohol intervention program pursuant to this
537 section satisfies such person's required participation in the drug
538 education component of the pretrial drug intervention and community

539 service program under the provisions of this section; or

540 (B) Such person's successful completion of the substance use
541 treatment component of the drug intervention and community service
542 program pursuant to section 54-56i, as amended by this act, satisfies
543 such person's required participation in the substance use treatment
544 component of the pretrial alcohol intervention program under the
545 provisions of this section.

546 (3) Nothing in this subsection shall relieve any person placed in the
547 pretrial alcohol intervention program pursuant to this section and
548 placed in the pretrial drug intervention and community service
549 program pursuant to section 54-56i, as amended by this act, of charges
550 arising from the same arrest from the requirement to participate in (A)
551 the victim impact component of the pretrial alcohol intervention
552 program, if ordered by the court under the provisions of this section, in
553 order to satisfactorily complete the pretrial alcohol intervention
554 program, and (B) the community service component of the pretrial drug
555 intervention and community service program pursuant to section 54-
556 56i, as amended by this act, in order to satisfactorily complete the
557 pretrial drug intervention and community service program.

558 (4) Nothing in this subsection shall affect any person's eligibility for
559 participation in the pretrial alcohol intervention program under the
560 provisions of this section if such person is placed in the pretrial drug
561 intervention and community service program pursuant to the
562 provisions of section 54-56i, as amended by this act, independent of a
563 concurrent application for and placement in the pretrial alcohol
564 intervention program for charges arising from the same arrest.

565 (m) (1) The Court Support Services Division shall retain a record of
566 participation in the pretrial alcohol intervention program for a period of
567 ten years from the date the court grants the application for, and places
568 the applicant in, the program pursuant to the provisions of this section.

569 (2) For any person charged with a violation of section 14-227a, 14-
570 227g, 14-227m or 14-227n whose charges were dismissed pursuant to the

571 provisions of this section, the Court Support Services Division shall
572 transmit to the Department of Motor Vehicles the record of such
573 person's participation in the program. The Department of Motor
574 Vehicles shall maintain the record of any person's participation in such
575 program as part of such person's driving record for a period of ten years.

576 (3) For any person charged with a violation of subsection (d) of
577 section 15-133 or section 15-140n whose charges were dismissed
578 pursuant to the provisions of this section, the Court Support Services
579 Division shall transmit to the Department of Energy and Environmental
580 Protection the record of such person's participation in the program. The
581 Department of Energy and Environmental Protection shall maintain the
582 record of any person's participation in such program as a part of such
583 person's boater certification record for a period of ten years.

584 Sec. 2. Section 54-56i of the general statutes is repealed and the
585 following is substituted in lieu thereof (*Effective October 1, 2021*):

586 [(a) There is established a pretrial drug education and community
587 service program for persons charged with a violation of section 21a-267,
588 21a-279 or 21a-279a. The pretrial drug education and community service
589 program shall include a fifteen-session drug education program and a
590 substance abuse treatment program of not less than fifteen sessions, and
591 the performance of community service.

592 (b) Upon application by any such person for participation in such
593 program, the court shall, but only as to the public, order the court file
594 sealed, and such person shall pay to the court of an application fee of
595 one hundred dollars and a nonrefundable evaluation fee of one hundred
596 fifty dollars. A person shall be ineligible for participation in such pretrial
597 drug education and community service program if such person has
598 twice previously participated in (1) the pretrial drug education program
599 established under the provisions of this section in effect prior to October
600 1, 2013, (2) the community service labor program established under
601 section 53a-39c, (3) the pretrial drug education and community service
602 program established under this section, or (4) any of such programs,

603 except that the court may allow a person who has twice previously
604 participated in such programs to participate in the pretrial drug
605 education and community service program one additional time, for
606 good cause shown. The evaluation and application fee imposed under
607 this subsection shall be credited to the pretrial account established
608 under section 54-56k.

609 (c) The court, after consideration of the recommendation of the state's
610 attorney, assistant state's attorney or deputy assistant state's attorney in
611 charge of the case, may, in its discretion, grant such application. If the
612 court grants such application, the court shall refer such person (1) to the
613 Court Support Services Division for confirmation of the eligibility of the
614 applicant, (2) to the Department of Mental Health and Addiction
615 Services for evaluation and determination of an appropriate drug
616 education or substance abuse treatment program for the first or second
617 time such application is granted, and (3) to a state-licensed substance
618 abuse treatment program for evaluation and determination of an
619 appropriate substance abuse treatment program for the third time such
620 application is granted, except that, if such person is a veteran, the court
621 may refer such person to the Department of Veterans Affairs or the
622 United States Department of Veterans Affairs, as applicable, for any
623 such evaluation and determination. For the purposes of this subsection
624 and subsection (d) of this section, "veteran" means any person who was
625 discharged or released under conditions other than dishonorable from
626 active service in the armed forces as defined in section 27-103.

627 (d) (1) (A) Upon confirmation of eligibility and receipt of the
628 evaluation and determination required under subsection (c) of this
629 section, such person shall be placed in the pretrial drug education and
630 community service program and referred by the Court Support Services
631 Division for the purpose of receiving appropriate drug education
632 services or substance abuse treatment program services, as
633 recommended by the evaluation conducted pursuant to subsection (c)
634 of this section and ordered by the court, to the Department of Mental
635 Health and Addiction Services or to a state-licensed substance abuse
636 treatment program for placement in the appropriate drug education or

637 substance abuse treatment program, except that, if such person is a
638 veteran, the division may refer such person to the Department of
639 Veterans Affairs or the United States Department of Veterans Affairs,
640 subject to the provisions of subdivision (2) of this subsection.

641 (B) Persons who have been granted entry into the pretrial drug
642 education and community service program for the first time shall
643 participate in either a fifteen-session drug education program or a
644 substance abuse treatment program of not less than fifteen sessions, as
645 ordered by the court on the basis of the evaluation and determination
646 required under subsection (c) of this section. Persons who have been
647 granted entry into the pretrial drug education and community service
648 program for the second time shall participate in either a fifteen-session
649 drug education program or a substance abuse treatment program of not
650 less than fifteen sessions, as ordered by the court based on the
651 evaluation and determination required under subsection (c) of this
652 section. Persons who have been granted entry into the pretrial drug
653 education and community service program for a third time shall be
654 referred to a state-licensed substance abuse program for evaluation and
655 participation in a course of treatment as ordered by the court based on
656 the evaluation and determination required under subsection (c) of this
657 section.

658 (C) Persons who have been granted entry into the pretrial drug
659 education and community service program shall also participate in a
660 community service program administered by the Court Support
661 Services Division pursuant to section 53a-39c. Persons who have been
662 granted entry into the pretrial drug education and community service
663 program for the first time shall participate in the community service
664 program for a period of five days. Persons who have been granted entry
665 into the pretrial drug education and community service program for the
666 second time shall participate in the community service program for a
667 period of fifteen days. Persons who have been granted entry into the
668 pretrial drug education and community service program for a third or
669 additional time shall participate in the community service program for
670 a period of thirty days.

671 (D) Placement in the pretrial drug education and community service
672 program pursuant to this section shall not exceed one year. Persons
673 receiving substance abuse treatment program services in accordance
674 with the provisions of this section shall only receive such services at
675 state-licensed substance abuse treatment program facilities that are in
676 compliance with all state standards governing the operation of such
677 facilities, except that, if such person is a veteran, such person may
678 receive services from facilities under the supervision of the Department
679 of Veterans Affairs or the United States Department of Veterans Affairs,
680 subject to the provisions of subdivision (2) of this subsection.

681 (E) Any person who enters the pretrial drug education and
682 community service program shall agree: (i) To the tolling of the statute
683 of limitations with respect to such crime; (ii) to a waiver of such person's
684 right to a speedy trial; (iii) to complete participation in the pretrial drug
685 education and community service program, as ordered by the court; (iv)
686 to commence participation in the pretrial drug education and
687 community service program not later than ninety days after the date of
688 entry of the court order unless granted a delayed entry into the program
689 by the court; and (v) upon completion of participation in the pretrial
690 drug education and community service program, to accept (I) placement
691 in a treatment program upon the recommendation of a provider under
692 contract with the Department of Mental Health and Addiction Services
693 or a provider under the supervision of the Department of Veterans
694 Affairs or the United States Department of Veterans Affairs, or (II)
695 placement in a treatment program that has standards substantially
696 similar to, or higher than, a program of a provider under contract with
697 the Department of Mental Health and Addiction Services, if the Court
698 Support Services Division deems it appropriate.

699 (2) The Court Support Services Division may only refer a veteran to
700 the Department of Veterans Affairs or the United States Department of
701 Veterans Affairs for the receipt of services under the program if (A) the
702 division determines that such services will be provided in a timely
703 manner under standards substantially similar to, or higher than,
704 standards for services provided by the Department of Mental Health

705 and Addiction Services under the program, and (B) the applicable
706 department agrees to submit timely program participation and
707 completion reports to the division in the manner required by the
708 division.

709 (e) If the Court Support Services Division informs the court that such
710 person is ineligible for the program and the court makes a determination
711 of ineligibility or if the program provider certifies to the court that such
712 person did not successfully complete the assigned program and such
713 person did not request, or the court denied, reinstatement in the
714 program under subsection (i) of this section, the court shall order the
715 court file to be unsealed, enter a plea of not guilty for such person and
716 immediately place the case on the trial list.

717 (f) If such person satisfactorily completes the assigned program, such
718 person may apply for dismissal of the charges against such person and
719 the court, on reviewing the record of such person's participation in such
720 program submitted by the Court Support Services Division and on
721 finding such satisfactory completion, shall dismiss the charges. If such
722 person does not apply for dismissal of the charges against such person
723 after satisfactorily completing the assigned program, the court, upon
724 receipt of the record of such person's participation in such program
725 submitted by the Court Support Services Division, may on its own
726 motion make a finding of such satisfactory completion and dismiss the
727 charges. Upon motion of such person and a showing of good cause, the
728 court may extend the placement period for a reasonable period of time
729 to allow such person to complete the assigned program. A record of
730 participation in such program shall be retained by the Court Support
731 Services Division for a period of ten years from the date the court grants
732 the application for participation in the program.

733 (g) At the time the court grants the application for participation in the
734 pretrial drug education and community service program, any person
735 ordered to participate in such drug education program shall pay to the
736 court a nonrefundable program fee of six hundred dollars. If the court
737 orders participation in a substance abuse treatment program, such

738 person shall pay to the court a nonrefundable program fee of one
739 hundred dollars and shall be responsible for the costs associated with
740 such program. No person may be excluded from any such program for
741 inability to pay such fee or cost, provided (1) such person files with the
742 court an affidavit of indigency or inability to pay, (2) such indigency or
743 inability to pay is confirmed by the Court Support Services Division,
744 and (3) the court enters a finding thereof. The court may waive all or any
745 portion of such fee depending on such person's ability to pay. If the
746 court finds that a person is indigent or unable to pay for a substance
747 abuse treatment program, the costs of such program shall be paid from
748 the pretrial account established under section 54-56k. If the court denies
749 the application, such person shall not be required to pay the program
750 fee. If the court grants the application, and such person is later
751 determined to be ineligible for participation in such pretrial drug
752 education and community service program or fails to complete the
753 assigned program, the program fee shall not be refunded. All program
754 fees shall be credited to the pretrial account established under section
755 54-56k.

756 (h) If a person returns to court with certification from a program
757 provider that such person did not successfully complete the assigned
758 program or is no longer amenable to treatment, the provider, to the
759 extent practicable, shall include a recommendation to the court as to
760 whether placement in a drug education program or placement in a
761 substance abuse treatment program would best serve such person's
762 needs. The provider shall also indicate whether the current program
763 referral was an initial referral or a reinstatement to the program.

764 (i) When a person subsequently requests reinstatement into a drug
765 education program or a substance abuse treatment program and the
766 Court Support Services Division verifies that such person is eligible for
767 reinstatement into such program and thereafter the court favorably acts
768 on such request, any person reinstated into such drug education
769 program shall pay a nonrefundable program fee of two hundred fifty
770 dollars, and any person reinstated into a substance abuse treatment
771 program shall be responsible for the costs, if any, associated with being

772 reinstated into the treatment program. Unless good cause is shown,
773 such program fee shall not be waived. All program fees collected in
774 connection with a reinstatement to a drug education program shall be
775 credited to the pretrial account established under section 54-56k. No
776 person shall be permitted more than two program reinstatements
777 pursuant to this subsection.

778 (j) The Department of Mental Health and Addiction Services shall
779 develop standards and oversee appropriate drug education programs
780 that it administers to meet the requirements of this section and may
781 contract with service providers to provide such programs. The
782 department shall adopt regulations, in accordance with chapter 54, to
783 establish standards for such drug education programs.

784 (k) Any person whose employment or residence or schooling makes
785 it unreasonable to attend a drug education program or substance abuse
786 treatment program in this state may attend a program in another state
787 that has standards similar to, or higher than, those of this state, subject
788 to the approval of the court and payment of the program fee or costs as
789 provided in this section.]

790 (a) (1) There is established a pretrial drug intervention and
791 community service program for persons charged with a violation of
792 section 21a-267, 21a-279 or 21a-279a. The program shall consist of a
793 twelve-session drug education component or a substance use treatment
794 program of not less than fifteen sessions and the performance of
795 community service, as ordered by the court pursuant to subsection (c)
796 of this section.

797 (2) The provisions of this section shall not apply to any person who
798 has twice previously participated in:

799 (A) The pretrial drug education program established under the
800 provisions of this section in effect prior to January 1, 2021;

801 (B) The community service labor program established under section
802 53a-39c;

803 (C) The pretrial drug intervention and community service program
804 established under this section; or

805 (D) Any of such programs, except that the court may allow a person
806 who has twice previously participated in such programs to participate
807 in the program established under the provisions of this section one
808 additional time, for good cause shown.

809 (b) Upon application for participation in the program:

810 (1) The court shall, but only as to the public, order the court file
811 sealed;

812 (2) The applicant shall pay to the court a nonrefundable application
813 fee of one hundred dollars and a nonrefundable evaluation fee of one
814 hundred fifty dollars, both of which shall be credited to the pretrial
815 account established under section 54-56k;

816 (3) The applicant shall agree that, if the court grants the application
817 and places the applicant in the program:

818 (A) The statute of limitations for any alleged violations for which the
819 court grants the application for the program shall be tolled;

820 (B) The applicant waives the right to a speedy trial;

821 (C) The applicant will begin participation in the components of the
822 program ordered by the court not later than ninety days after the date
823 that the court places the applicant in the program, unless the applicant
824 requests, and the court allows, a later start date;

825 (D) The applicant will successfully complete any program
826 components of the program ordered by the court;

827 (E) The applicant will not engage in any conduct that is inconsistent
828 with the purposes of this program, including, but not limited to,
829 engaging in any conduct that would be a violation of section 21a-267,
830 21a-279 or 21a-279a; and

831 (F) Upon completion of participation in the drug education or
832 substance use treatment component of the program ordered by the
833 court, the applicant may be required to participate in additional
834 substance use treatment pursuant to subparagraph (A) of subdivision
835 (2) of subsection (g) of this section to satisfactorily complete the program
836 if a program component provider recommends such additional
837 treatment, the Court Support Services Division deems it appropriate or
838 the court orders the additional treatment.

839 (4) (A) The court shall refer the applicant:

840 (i) To the Court Support Services Division for confirmation of the
841 eligibility to participate in the program; and

842 (ii) (I) For the applicant's first or second time applying for the
843 program established under the provisions of this section or the
844 community service labor program established under section 53a-39c, to
845 the Department of Mental Health and Addiction Services for evaluation
846 and determination of the appropriate drug education or substance use
847 treatment component of the program, or (II) for the applicant's third
848 time participating in the program established under the provisions of
849 this section or the community service labor program established under
850 section 53a-39c, to a state-licensed substance use treatment provider for
851 evaluation and determination of the appropriate substance use
852 treatment component of the program.

853 (B) If the applicant is a veteran, the court may, in the alternative, refer
854 the applicant to the Department of Veterans Affairs or the United States
855 Department of Veterans Affairs, as applicable, for any evaluation and
856 determination required under this subsection. For the purposes of this
857 subsection and subsection (e) of this section, "veteran" means any
858 person who was discharged or released under conditions other than
859 dishonorable from active service in the armed forces, as defined in
860 section 27-103.

861 (c) (1) Upon confirmation of eligibility, receipt of the evaluation and
862 determination required under subparagraph (B) of subdivision (4) of

863 subsection (b) of this section, and after consideration of the
864 recommendation of the state's attorney, assistant state's attorney or
865 deputy assistant state's attorney in charge of the case, the court may, in
866 its discretion, grant the application for, and place the applicant in, the
867 pretrial drug intervention and community service program for a period
868 of one year.

869 (2) If the court grants the application and places the applicant in the
870 program:

871 (A) For the first time, the court shall order the applicant to participate
872 in (i) either the drug education or substance use treatment component
873 of the program, as recommended by the evaluation conducted pursuant
874 to subparagraph (B) of subdivision (4) of subsection (b) of this section
875 and determined to be appropriate by the court; and (ii) the community
876 service component for a period of five days;

877 (B) For the second time, the court shall order the applicant to
878 participate in (i) either the drug education or substance use treatment
879 component of the program, as recommended by the evaluation
880 conducted pursuant to subparagraph (B) of subdivision (4) of
881 subsection (b) of this section and determined to be appropriate by the
882 court; and (ii) the community service component for a period of fifteen
883 days; or

884 (C) For the third time, the court shall order the applicant to
885 participate in (i) the substance use treatment component as
886 recommended by the evaluation conducted pursuant to subparagraph
887 (B) of subdivision (4) of subsection (b) of this section and determined to
888 be appropriate by the court; and (ii) the community service component
889 for a period of thirty days.

890 (3) If the Court Support Services Division informs the court that the
891 applicant is not eligible for the program and the court makes a
892 determination of ineligibility, the court shall deny the application, order
893 the court file to be unsealed, enter a plea of not guilty for such person
894 and immediately place the case on the trial list. If the court denies the

895 application, the applicant shall not be required to pay any program fee
896 specified in this section.

897 (d) (1) At the time that any person is placed in the program such
898 person shall (A) if ordered to participate in the drug education
899 component, pay to the court a nonrefundable program fee of five
900 hundred dollars, or (B) if ordered to participate in the substance use
901 treatment component, pay to the court a nonrefundable program fee of
902 one hundred dollars and shall also pay to the treatment provider any
903 costs associated with such treatment. All program fees shall be credited
904 to the pretrial account established under section 54-56k.

905 (2) (A) No person may be excluded from any component of the
906 program because such person is indigent and unable to pay the
907 associated fee or cost, provided (i) such person files with the court an
908 affidavit of indigency, and (ii) the court enters a finding of such
909 indigency.

910 (B) If the court finds that a person is indigent and unable to pay for
911 the program application or the evaluation component of the program,
912 the court may waive all or any portion of these fees.

913 (C) If the court finds that a person is indigent and unable to pay for
914 the drug education component of the program, the court may waive all
915 or any portion of the program fee for that component.

916 (D) If the court finds that a person is indigent and unable to pay for
917 the substance use treatment component of the program, the court may
918 wave all or any portion of the program fee for that component and the
919 costs of such treatment. Any costs waived under this subparagraph shall
920 be paid from the pretrial account established under section 54-56k.

921 (e) (1) The Court Support Services Division shall (A) refer any person
922 placed in the program to the Department of Mental Health and
923 Addiction Services or to a state-licensed substance use treatment
924 provider with facilities that are in compliance with all state standards
925 governing the operation of such facilities, as appropriate, for the

926 purpose of receiving the drug education or substance use treatment
927 component services ordered by the court, and (B) supervise such
928 person's participation in the applicable community service component
929 ordered by the court.

930 (2) If any person placed in the program is a veteran, the Court
931 Support Services Division may refer such person to the Department of
932 Veterans Affairs or the United States Department of Veterans Affairs,
933 instead of the Department of Mental Health and Addiction Services or
934 a state-licensed substance use treatment provider, for the applicable
935 drug education or substance use treatment component ordered by the
936 court if (A) the division determines that services for such component
937 will be provided in a timely manner under standards substantially
938 similar to, or higher than, standards for services provided by the
939 Department of Mental Health and Addiction Services or a state-licensed
940 substance use treatment provider, and (B) the applicable department
941 agrees to submit timely component participation and completion
942 reports to the division in the manner required by the division.

943 (3) The Court Support Services Division may allow any person placed
944 in the program whose employment, residence or schooling makes it
945 unreasonable to participate in any component of the program ordered
946 by the court in this state to satisfy the applicable program components
947 in another state if (A) the out-of-state component provider has standards
948 substantially similar to, or higher than, those of this state, (B) for any
949 substance use treatment component, the out-of-state substance use
950 treatment provider is licensed by the state in which treatment will be
951 provided, (C) the person allowed to satisfy the components of the
952 program in another state pays the applicable program fee and costs
953 provided in this section, and (D) the court approves the out-of-state
954 referral.

955 (f) The Department of Mental Health and Addiction Services shall
956 administer the drug education component of the program and shall
957 adopt regulations, in accordance with the provisions of chapter 54, to
958 establish standards for such drug education component. The

959 department may combine the services for the drug education
960 component under the provisions of this section with the services for the
961 alcohol education component under the provisions of section 54-56g, as
962 amended by this act, if necessary to ensure the appropriate and timely
963 access to the court ordered education components. The department may
964 contract with service providers to provide the appropriate drug and
965 alcohol education components in accordance with the provisions of this
966 section.

967 (g) (1) All program component providers shall provide the Court
968 Support Services Division with a certification regarding the
969 participation of each person referred to such provider pursuant to this
970 section in the manner required by the Court Support Services Division.

971 (A) If such person has successfully completed the applicable program
972 component, the certification shall indicate such successful completion
973 and state whether additional substance use treatment is recommended.

974 (B) If such person has failed to successfully complete the applicable
975 program component, the certification shall indicate the reasons for such
976 failure, whether the person is no longer amenable to education or
977 treatment and whether the current referral was an initial referral or a
978 reinstatement into the program component. The certification of failure
979 shall also, to the extent practicable, include a recommendation as to
980 whether an alternative drug education or substance use treatment
981 component would best serve such person's needs.

982 (2) Upon receipt of a participation certification from any program
983 component provider pursuant to this subsection, the Court Support
984 Services Division (A) may, if the certification indicates that a person who
985 was placed in the program successfully completed the drug education
986 or substance use treatment component ordered by the court, but the
987 program component provider recommends additional substance use
988 treatment for such person and the Court Support Services Division
989 deems such additional treatment appropriate, require such person to
990 participate in the recommended additional substance use treatment in
991 order to satisfactorily complete the pretrial drug intervention and
992 community service program, and (B) shall provide the court with a final

993 progress report indicating whether such person has successfully
994 completed any components of the program ordered by the court and
995 whether the Court Support Services Division required such person to
996 participate in any additional substance use treatment after successful
997 completion of the program component initially ordered by the court.
998 The final progress report shall include any other information obtained
999 during the supervision of such person relevant to such person's
1000 participation in the program.

1001 (h) (1) If any person placed in the program successfully completes all
1002 components of the program ordered by the court and any additional
1003 substance use treatment required by the Court Support Services
1004 Division and has paid all fees or costs required under the provisions of
1005 this section, at the conclusion of such person's period of participation in
1006 the program, such person may apply for dismissal of the charges against
1007 such person. Upon application, the court shall review the final progress
1008 report submitted by the Court Support Services Division regarding such
1009 person and any other relevant information, including whether such
1010 person has paid all fees or costs required under the provisions of this
1011 section. If the court finds that such person has satisfactorily completed
1012 the pretrial drug intervention and community service program, the
1013 court shall dismiss the charges, unless such person has not paid all fees
1014 or costs required under the provisions of this section, in which case, the
1015 court shall either continue the case until such fees or costs are paid or
1016 waive any outstanding fees or costs prior to dismissing the charges.

1017 (2) If any person who has successfully completed all components of
1018 the program ordered by the court and any additional substance use
1019 treatment required by the Court Support Services Division does not
1020 apply for dismissal of the charges against such person at the conclusion
1021 of such person's period of participation in the program, the court, upon
1022 review of the final progress report regarding such person submitted by
1023 the Court Support Services Division and any other relevant information,
1024 including whether such person has paid all fees or costs required under
1025 the provisions of this section, may, on its own motion, make a finding
1026 of satisfactory completion of the pretrial drug intervention and

1027 community service program and dismiss the charges. If the court
1028 determines that such person has not paid all fees or costs required under
1029 the provisions of this section, such court shall either not dismiss the
1030 charges on its own motion until such fees or costs are paid or waive any
1031 outstanding fees or costs prior to dismissing the charges.

1032 (3) Upon the motion of any person placed in the program and a
1033 showing of good cause, the court may extend the program placement
1034 period for a reasonable period of time to allow such person to complete
1035 the applicable program components.

1036 (i) If the final progress report submitted by the Court Support
1037 Services Division indicates that any person placed in the program has
1038 failed to successfully complete any component of the program ordered
1039 by the court or is no longer amenable to treatment or, upon review of
1040 any other relevant information, the court finds that any person placed
1041 in the program is otherwise ineligible to continue participating in the
1042 program, the court shall terminate such person's participation in the
1043 program. No program fees shall be refunded to any person whose
1044 participation in the program is terminated. Unless such person requests,
1045 and the court grants, reinstatement into the program pursuant to
1046 subsection (j) of this section, the court shall order the court file to be
1047 unsealed, enter a plea of not guilty for such person and immediately
1048 place the case on the trial list.

1049 (j) (1) Any person who fails to successfully complete any component
1050 of the program ordered by the court or whom the court finds to be
1051 otherwise ineligible to continue participating in the program may ask
1052 the court to reinstate such person into the program up to two times.

1053 (2) If a person requests reinstatement into the program, the Court
1054 Support Services Division shall verify that such person is eligible for
1055 such reinstatement.

1056 (3) If a person requesting reinstatement into the program is eligible
1057 for reinstatement, the court shall review any final progress report
1058 submitted by the Court Support Services Division regarding such

1059 person's failure to complete any program components initially ordered
1060 and any other relevant information, and may, in its discretion, grant
1061 such person reinstatement into the program. When granting such
1062 reinstatement, the court shall order the defendant to participate in the
1063 appropriate drug education, substance use treatment or community
1064 service component of the program in accordance with subdivision (2) of
1065 subsection (c) of this section.

1066 (4) (A) Any person reinstated into the program shall pay (i) a
1067 nonrefundable program fee of two hundred fifty dollars if ordered to
1068 participate in the drug education component of the program, or (ii) the
1069 costs of any substance use treatment if ordered to participate in the
1070 substance use treatment component of the program.

1071 (B) Unless good cause is shown, the court shall not waive the
1072 program fee or the costs of substance use treatment associated with
1073 reinstatement into the program.

1074 (C) All program fees collected in connection with a reinstatement to
1075 the program shall be credited to the pretrial account established under
1076 section 54-56k.

1077 (k) (1) If any person applies for both the pretrial drug intervention
1078 and community service program under the provisions of this section
1079 and the pretrial alcohol education program pursuant to section 54-56g,
1080 as amended by this act, for charges arising from the same arrest, and the
1081 Department of Mental Health and Addiction Services has already
1082 completed the required evaluation and determination of the
1083 appropriate alcohol education or substance use treatment component
1084 pursuant to section 54-56g, as amended by this act, the court may rely
1085 on such evaluation and determination for the purposes of ordering
1086 participation in the drug education or substance use treatment
1087 component of the program under the provisions of this section. If the
1088 court relies on such evaluation and determination, such person shall not
1089 be required to pay the evaluation fee under the provisions of
1090 subdivision (2) of subsection (b) of this section, provided such person

1091 has paid, or the court has waived, the evaluation fee pursuant to section
1092 54-56g, as amended by this act.

1093 (2) If any person is placed in both the pretrial drug intervention and
1094 community service program under the provisions of this section and the
1095 pretrial alcohol intervention program pursuant to section 54-56g, as
1096 amended by this act, for charges arising from the same arrest, the court
1097 may find that (A) such person's successful completion of the alcohol
1098 education component of the pretrial alcohol intervention program
1099 pursuant to section 54-56g, as amended by this act, satisfies such
1100 person's required participation in the drug education component of the
1101 pretrial drug intervention and community service program under the
1102 provisions of this section; and (B) such person's successful completion
1103 of the substance use treatment component of the alcohol intervention
1104 program pursuant to section 54-56g, as amended by this act, shall count
1105 as such person's successful completion of the substance use treatment
1106 component of the drug intervention and community service program
1107 under the provisions of this section.

1108 (3) Nothing in this subsection shall relieve any person placed in both
1109 the pretrial drug intervention and community service program
1110 pursuant to this section and the pretrial alcohol intervention program
1111 pursuant to section 54-56g, as amended by this act, of charges arising
1112 from the same arrest from the requirement to participate in (A) the
1113 community service component of the pretrial drug intervention and
1114 community service program under the provisions of this section, in
1115 order to satisfactorily complete the pretrial drug intervention and
1116 community service program, or (B) the victim impact component of the
1117 pretrial alcohol intervention program, if ordered by the court pursuant
1118 to section 54-56g, as amended by this act, in order to satisfactorily
1119 complete the pretrial alcohol intervention program; and

1120 (4) Nothing in this subsection shall affect any person's eligibility for
1121 participation in the pretrial alcohol intervention program pursuant to
1122 section 54-56g, as amended by this act, if such person is placed in the
1123 pretrial drug intervention and community service program pursuant to

1124 the provisions of this section independent of a concurrent application
1125 for and placement in the pretrial alcohol intervention program for
1126 charges arising from the same arrest.

1127 (l) The Court Support Services Division shall retain a record of
1128 participation in the pretrial drug intervention and community service
1129 program for a period of ten years from the date the court grants the
1130 application for, and places the applicant in, the program pursuant to the
1131 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	54-56g
Sec. 2	October 1, 2021	54-56i

Statement of Purpose:

To make changes to the pretrial alcohol education program and pretrial drug intervention and community service program to address access issues, standardize education and treatment session numbers, raise fees and address program costs and eliminate stigmatizing language.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]