

Senate, April 7, 1998. The Committee on Judiciary reported through SEN. WILLIAMS, 29th DIST., Chairman of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT MAKING CONFORMING AND TECHNICAL CHANGES TO CRIMINAL STATUTES CONCERNING COMMUNITY SERVICE AND GAMBLING.

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

1 Section 1. Subsection (e) of section 53a-28  
2 of the general statutes, as amended by section 1  
3 of public act 97-199 and section 62 of public act  
4 97-11 of the June 18 special session, is repealed  
5 and the following is substituted in lieu thereof:  
6 (e) When [granting accelerated rehabilitation  
7 or] sentencing a person to a period of probation  
8 who has been convicted of (1) a misdemeanor that  
9 did not involve the use, attempted use or  
10 threatened use of physical force against another  
11 person or (2) a motor vehicle violation for which  
12 a sentence to a term of imprisonment may be  
13 imposed, the court shall consider, as a condition  
14 of such sentence of probation, [or as a condition  
15 of accelerated rehabilitation,] ordering the  
16 person to perform community service in the  
17 community in which the offense or violation  
18 occurred. If the court determines that community  
19 service is appropriate, such community service may  
20 be implemented by a community court established in  
21 accordance with section 2 of [this act] PUBLIC ACT  
22 97-199 if the offense [is committed] OR VIOLATION

23 OCCURRED within the jurisdiction of a community  
24 court established by SAID section. [2 of this  
25 act.]

26 Sec. 2. Section 54-56e of the general  
27 statutes, as amended by section 10 of public act  
28 97-248, is repealed and the following is  
29 substituted in lieu thereof:

30 (a) There shall be a pretrial program for  
31 accelerated rehabilitation of persons accused of a  
32 crime or crimes or a motor vehicle violation or  
33 violations for which a sentence to a term of  
34 imprisonment may be imposed, which crimes or  
35 violations are not of a serious nature.

36 (b) The court may, in its discretion, invoke  
37 such program on motion of the defendant or on  
38 motion of a state's attorney or prosecuting  
39 attorney with respect to an accused who, the court  
40 believes, will probably not offend in the future,  
41 who has no previous record of conviction of a  
42 crime or of a violation of section 14-196,  
43 subsection (c) of section 14-215, section 14-222a,  
44 subsection (a) of section 14-224 or section  
45 14-227a, who has not previously been adjudged a  
46 youthful offender under the provisions of sections  
47 54-76b to 54-76n, inclusive, and who states under  
48 oath, in open court or before any person  
49 designated by the clerk and duly authorized to  
50 administer oaths, under the penalties of perjury  
51 that he has never had such program invoked in his  
52 behalf, provided the defendant shall agree thereto  
53 and provided notice has been given by the accused,  
54 on a form approved by rule of court, to the victim  
55 or victims of such crime or motor vehicle  
56 violation, if any, by registered or certified mail  
57 and such victim or victims have an opportunity to  
58 be heard thereon. Any defendant who makes  
59 application for participation in such program  
60 shall pay to the court an application fee of  
61 thirty-five dollars.

62 (c) This section shall not be applicable to  
63 any person charged with a class A or class B  
64 felony or a violation of section 14-227a,  
65 subdivision (2) of section 53-21, section 53a-56b,  
66 53a-60d, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a  
67 or 53a-72b or to any person accused of a family  
68 violence crime as defined in section 46b-38a who  
69 (1) is eligible for the pretrial family violence  
70 education program established under section

71 46b-38c, or (2) has previously had the pretrial  
72 family violence education program invoked in his  
73 behalf. Unless good cause is shown, this section  
74 shall not be applicable to any person charged with  
75 a class C felony.

76 (d) Any defendant who enters such program  
77 shall pay to the court a participation fee of one  
78 hundred dollars. Any defendant who enters such  
79 program shall agree to the tolling of any statute  
80 of limitations with respect to such crime and to a  
81 waiver of his right to a speedy trial. Any such  
82 defendant shall appear in court and shall, under  
83 such conditions as the court shall order, be  
84 released to the custody of the Office of Adult  
85 Probation, except that, if a criminal docket for  
86 drug-dependent persons has been established  
87 pursuant to section 51-181b, as amended by [this  
88 act] PUBLIC ACT 97-248, in the judicial district,  
89 such defendant may be transferred, under such  
90 conditions as the court shall order, to the court  
91 handling such docket for supervision by such  
92 court. If the defendant refuses to accept, or,  
93 having accepted, violates such conditions, his  
94 case shall be brought to trial. The period of such  
95 probation or supervision, or both, shall not  
96 exceed two years. If the defendant has reached the  
97 age of sixteen years but has not reached the age  
98 of eighteen years, the court may order that as a  
99 condition of such probation the defendant be  
100 referred for services to a youth service bureau  
101 established pursuant to section 17a-39, provided  
102 the court finds, through an assessment by a youth  
103 service bureau or its designee, that the defendant  
104 is in need of and likely to benefit from such  
105 services. WHEN DETERMINING ANY CONDITIONS OF  
106 PROBATION TO ORDER FOR A PERSON ENTERING SUCH  
107 PROGRAM WHO WAS CHARGED WITH A MISDEMEANOR THAT  
108 DID NOT INVOLVE THE USE, ATTEMPTED USE OR  
109 THREATENED USE OF PHYSICAL FORCE AGAINST ANOTHER  
110 PERSON OR A MOTOR VEHICLE VIOLATION, THE COURT  
111 SHALL CONSIDER ORDERING THE PERSON TO PERFORM  
112 COMMUNITY SERVICE IN THE COMMUNITY IN WHICH THE  
113 OFFENSE OR VIOLATION OCCURRED. IF THE COURT  
114 DETERMINES THAT COMMUNITY SERVICE IS APPROPRIATE,  
115 SUCH COMMUNITY SERVICE MAY BE IMPLEMENTED BY A  
116 COMMUNITY COURT ESTABLISHED IN ACCORDANCE WITH  
117 SECTION 2 OF PUBLIC ACT 97-199 IF THE OFFENSE OR  
118 VIOLATION OCCURRED WITHIN THE JURISDICTION OF A

119 COMMUNITY COURT ESTABLISHED IN ACCORDANCE WITH  
120 SAID SECTION.

121 (e) If a defendant released to the custody of  
122 the Office of Adult Probation satisfactorily  
123 completes his period of probation, he may apply  
124 for dismissal of the charges against him and the  
125 court, on finding such satisfactory completion,  
126 shall dismiss such charges. If the defendant does  
127 not apply for dismissal of the charges against him  
128 after satisfactorily completing his period of  
129 probation, the court, upon receipt of a report  
130 submitted by the Office of Adult Probation that  
131 the defendant satisfactorily completed his period  
132 of probation, may on its own motion make a finding  
133 of such satisfactory completion and dismiss such  
134 charges. If a defendant transferred to the court  
135 handling the criminal docket for drug-dependent  
136 persons satisfactorily completes his period of  
137 supervision, the court shall release the defendant  
138 to the custody of the Office of Adult Probation  
139 under such conditions as the court shall order or  
140 shall dismiss such charges. Upon dismissal, all  
141 records of such charges shall be erased pursuant  
142 to section 54-142a. An order of the court denying  
143 a motion to dismiss the charges against a  
144 defendant who has completed his period of  
145 probation or supervision or terminating the  
146 participation of a defendant in such program shall  
147 be a final judgment for purposes of appeal.

148 Sec. 3. Subsection (a) of section 53-278g of  
149 the general statutes is repealed and the following  
150 is substituted in lieu thereof:

151 (a) Nothing in sections 53-278a to 53-278g,  
152 inclusive, shall be construed to prohibit the  
153 publication of an advertisement of, or the  
154 operation of, or participation in, a state lottery  
155 CONDUCTED BY THE STATE OR THE CONNECTICUT LOTTERY  
156 CORPORATION, pari-mutuel betting at race tracks OR  
157 JAI ALAI FRONTONS licensed by the state, off-track  
158 betting conducted by the state OR BY A LICENSEE  
159 AUTHORIZED TO OPERATE THE OFF-TRACK BETTING SYSTEM  
160 or a promotional drawing for a prize or prizes,  
161 conducted for advertising purposes by any person,  
162 firm or corporation other than a retail grocer or  
163 retail grocery chain, wherein members of the  
164 general public may participate without making any  
165 purchase or otherwise paying or risking credit,  
166 money, or any other tangible thing of value.

167 Sec. 4. This act shall take effect from its  
168 passage.

169 JUD COMMITTEE VOTE: YEA 37 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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**FISCAL IMPACT STATEMENT - BILL NUMBER SB 612**

STATE IMPACT	None, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Various Criminal Justice Agencies, Division of Special Revenue and the Connecticut Lottery Corporation

**EXPLANATION OF ESTIMATES:**

Passage of this bill would result in no additional cost to the criminal justice system, as the applicable provisions are strictly technical. In addition, this bill recognizes the creation of the Connecticut Lottery Corporation pursuant to public act 96-212, therefore conforming the statute to current practice. As a result of these technical changes the state will incur no additional cost.

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**OLR BILL ANALYSIS**

SB 612

**AN ACT MAKING CONFORMING AND TECHNICAL CHANGES TO CRIMINAL STATUTES CONCERNING COMMUNITY SERVICE AND GAMBLING**

**SUMMARY:** This bill specifies that the exemption from the prohibition on gambling applies to advertising, operating, and participating in the state lottery conducted by the state or the Connecticut Lottery

Corporation. The bill also adds pari-mutuel betting at state-licensed jai alai frontons and off-track betting conducted by a licensed off-track betting system operator to the list of exempt operations.

Finally, the bill makes technical changes.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report  
Yea 37 Nay 0