



General Assembly

January Session, 2021

Raised Bill No. 6594

LCO No. 4374



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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2 repealed and the following is substituted in lieu thereof (*Effective October*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 the state in the case
7 of a witness who is infirm and seventy-five years of age or older, order
8 that the deposition of a witness shall be taken before a commissioner,
9 judge or magistrate, to be designated by the court or judge, if it appears
10 that his or her testimony will be required at trial and that, by reason of
11 bodily infirmity, age or residence out of this state, he or she will be
12 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 Section 53a-83 of the general statutes is repealed and the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 Section 53a-84 of the general statutes is repealed and the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] office of the Attorney General that the town clerk
48 of any town [in such judicial district] is guilty of misconduct, wilful and
49 material neglect of duty or incompetence in the conduct of such town
50 clerk's office, [such state's attorney] the office of the Attorney General
51 shall make such investigation of the charges as [such state's attorney]
52 the office of the Attorney General deems proper and shall, if [such state's
53 attorney] the office of the Attorney General is of the opinion that the
54 evidence obtained warrants such action, prepare a statement in writing
55 of the charges against such town clerk, together with a citation in the
56 name of the state, commanding such town clerk to appear before a judge
57 of the Superior Court at a date named in the citation and show cause, if
58 any, why such town clerk should not be removed from office as
59 provided in this section. [Such state's attorney] The office of the
60 Attorney General shall cause a copy of such statement and citation to be
61 served by some proper officer upon the defendant town clerk at least
62 ten days before the date of appearance named in such citation, and the
63 original statement and citation, with the return of the officer thereon,
64 shall be returned to the clerk of the superior court for the judicial district
65 within which such town is situated. To carry into effect the proceedings
66 authorized by this section, the [state's attorney of any judicial district]
67 office of the Attorney General shall have power to summon witnesses,
68 require the production of necessary books, papers and other documents
69 and administer oaths to witnesses; and upon the date named in such
70 citation for the appearance of such town clerk, or upon any adjourned
71 date fixed by the judge before whom such proceedings are pending, the
72 [state's attorney] office of the Attorney General shall appear and
73 conduct the hearing on behalf of the state. If, after a full hearing of all
74 the evidence offered by the [state's attorney] office of the Attorney
75 General and by and on behalf of the defendant, such judge is of the
76 opinion that the evidence presented warrants the removal of such town
77 clerk from office, the judge shall cause to be prepared a written order to
78 that effect, which order shall be signed by the judge and lodged with the
79 clerk of the superior court for the judicial district in which such
80 defendant resides. Such clerk of the superior court shall cause a certified
81 copy of such order to be served forthwith upon such town clerk, and

82 upon such service the office held by such town clerk shall become vacant
83 and the vacancy thereby created shall be filled at once in the manner
84 provided in section 9-220. Any witnesses summoned and any officer
85 making service under the provisions of this section shall be allowed and
86 paid by the state the same fees as are allowed by law in criminal
87 prosecutions.

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

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

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

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

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

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

147 (c) The Chief State's Attorney shall develop uniform standards for the

148 compromise and settlement of forfeited bonds. Such standards shall be
149 applied on a state-wide basis.]

150 Sec. 7. Section 54-72 of the general statutes is repealed and the
151 following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

175 Sec. 9. Subsection (f) of section 1-110a of the general statutes is
176 repealed and the following is substituted in lieu thereof (*Effective October*
177 *1, 2021*):

178 (f) In all criminal proceedings in state [or federal] court in which the

179 defendant is a public official or a state or municipal employee who is
180 charged with a crime related to state or municipal office, the [Attorney
181 General] state prosecutor shall notify the [prosecutor of the existence of]
182 Attorney General of such proceedings and the Attorney General shall
183 pursue remedies under the pension revocation statute, [and] including
184 the possibility that any fine, restitution or other monetary order made
185 by the court [may] be paid from such official's or employee's pension.

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

188 A person commits vendor fraud when, with intent to defraud and
189 acting on such person's own behalf or on behalf of an entity, such person
190 provides goods or services to a beneficiary under sections 17b-22, 17b-
191 75 to 17b-77, inclusive, 17b-79 to 17b-103, inclusive, 17b-180a, 17b-183,
192 17b-260 to 17b-262, inclusive, 17b-264 to 17b-285, inclusive, 17b-357 to
193 17b-361, inclusive, 17b-600 to 17b-604, inclusive, 17b-749, 17b-807 and
194 17b-808 or provides services to a recipient under Title XIX of the Social
195 Security Act, as amended, and, (1) presents for payment any false claim
196 for goods or services performed; (2) accepts payment for goods or
197 services performed, which exceeds either the amounts due for goods or
198 services performed, or the amounts authorized by law for the cost of
199 such goods or services; (3) solicits to perform services for or sell goods
200 to any such beneficiary, knowing that such beneficiary is not in need of
201 such goods or services; (4) sells goods to or performs services for any
202 such beneficiary without prior authorization by the Department of
203 Social Services, when prior authorization is required by said department
204 for the buying of such goods or the performance of any service; [or] (5)
205 accepts from any person or source other than the state an additional
206 compensation in excess of the amount authorized by law; or (6) having
207 knowledge of the occurrence of any event affecting (A) his or her initial
208 or continued right to any such benefit or payment, or (B) the initial or
209 continued right to any such benefit or payment of any other individual
210 in whose behalf he or she has applied for or is receiving such benefit or
211 payment, conceals or fails to disclose such event with an intent to
212 fraudulently secure such benefit or payment either in a greater amount

213 or quantity than is due or when no such benefit or payment is
214 authorized.

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

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

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

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

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

245 be so disseminated, and (3) such other person suffers harm as a result of
246 such dissemination. For purposes of this subsection, "disseminate"
247 means to sell, give, provide, lend, trade, mail, deliver, transfer, publish,
248 distribute, circulate, present, exhibit, advertise or otherwise offer, and
249 "harm" includes, but is not limited to, subjecting such other person to
250 hatred, contempt, ridicule, physical injury, financial injury,
251 psychological harm or serious emotional distress.

252 (b) The provisions of subsection (a) of this subsection shall not apply
253 to:

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

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

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

264 (c) Unlawful dissemination of an intimate image [is a class A
265 misdemeanor] to (1) a person by any means is a class A misdemeanor,
266 and (2) more than one person by means of an interactive computer
267 service, as defined in 47 USC 230, an information service, as defined in
268 47 USC 153, or a telecommunications service, as defined in section 16-
269 247a, is a class D felony.

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

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

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

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

291 Sec. 14. Subsection (b) of section 53a-39c of the general statutes is
292 repealed and the following is substituted in lieu thereof (*Effective October*
293 *1, 2021*):

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

306 Sec. 15. Section 54-56e of the general statutes is repealed and the

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

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

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

341 accelerated rehabilitation more than two times. For the purposes of this
342 section, "veteran" means any person who was discharged or released
343 under conditions other than dishonorable from active service in the
344 armed forces as defined in section 27-103.

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

375 (1) of subsection (a) of section 53a-71 while such person was less than
376 four years older than the other person, (6) to any person charged with a
377 violation of section 9-359 or 9-359a, (7) to any person charged with a
378 motor vehicle violation (A) while operating a commercial motor vehicle,
379 as defined in section 14-1, or (B) who holds a commercial driver's license
380 or commercial driver's instruction permit at the time of the violation, (8)
381 to any person charged with a violation of subdivision (6) of subsection
382 (a) of section 53a-60, or (9) to a health care provider or vendor
383 participating in the state's Medicaid program charged with a violation
384 of section 53a-122 or subdivision (4) of subsection (a) of section 53a-123.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

600 (c) (1) At the time the court grants the application for participation in
601 the pretrial alcohol education program, such person shall also pay to the
602 court a nonrefundable program fee of three hundred fifty dollars if such
603 person is ordered to participate in the ten-session intervention program
604 and a nonrefundable program fee of five hundred dollars if such person
605 is ordered to participate in the fifteen-session intervention program. If
606 the court grants the application for participation in the pretrial alcohol
607 education program and such person is ordered to participate in a
608 substance abuse treatment program, such person shall be responsible
609 for the costs associated with participation in such program. No person
610 may be excluded from either program for inability to pay such fee or
611 cost, [provided (1) such person files with the court an affidavit of
612 indigency or inability to pay, (2) such indigency or inability to pay is

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

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

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

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

639 (e) When a person subsequently requests reinstatement into an
640 alcohol intervention program or a substance abuse treatment program
641 and the Court Support Services Division verifies that such person is
642 eligible for reinstatement into such program and thereafter the court
643 favorably acts on such request, such person shall pay a nonrefundable
644 program fee of one hundred seventy-five dollars if ordered to complete

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

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

670 (g) The court may, as a condition of granting such application, require
671 that such person participate in a victim impact panel program approved
672 by the Court Support Services Division of the Judicial Department. Such
673 victim impact panel program shall provide a nonconfrontational forum
674 for the victims of alcohol-related or drug-related offenses and offenders
675 to share experiences on the impact of alcohol-related or drug-related
676 incidents in their lives. Such victim impact panel program shall be
677 conducted by a nonprofit organization that advocates on behalf of
678 victims of accidents caused by persons who operated a motor vehicle

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

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

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

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

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

711 than fifteen sessions, and the performance of community service.

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

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

745 and subsection (d) of this section, "veteran" means any person who was
746 discharged or released under conditions other than dishonorable from
747 active service in the armed forces as defined in section 27-103.

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

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

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

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

802 (E) Any person who enters the pretrial drug education and
803 community service program shall agree: (i) To the tolling of the statute
804 of limitations with respect to such crime; (ii) to a waiver of such person's
805 right to a speedy trial; (iii) to complete participation in the pretrial drug
806 education and community service program, as ordered by the court; (iv)
807 to commence participation in the pretrial drug education and
808 community service program not later than ninety days after the date of
809 entry of the court order unless granted a delayed entry into the program
810 by the court; and (v) upon completion of participation in the pretrial
811 drug education and community service program, to accept (I) placement
812 in a treatment program upon the recommendation of a provider under

813 contract with the Department of Mental Health and Addiction Services
814 or a provider under the supervision of the Department of Veterans
815 Affairs or the United States Department of Veterans Affairs, or (II)
816 placement in a treatment program that has standards substantially
817 similar to, or higher than, a program of a provider under contract with
818 the Department of Mental Health and Addiction Services, if the Court
819 Support Services Division deems it appropriate.

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

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

838 (f) If such person satisfactorily completes the assigned program, such
839 person may apply for dismissal of the charges against such person and
840 the court, on reviewing the record of such person's participation in such
841 program submitted by the Court Support Services Division and on
842 finding such satisfactory completion, shall dismiss the charges. If such
843 person does not apply for dismissal of the charges against such person
844 after satisfactorily completing the assigned program, the court, upon
845 receipt of the record of such person's participation in such program

846 submitted by the Court Support Services Division, may on its own
847 motion make a finding of such satisfactory completion and dismiss the
848 charges. Upon motion of such person and a showing of good cause, the
849 court may extend the placement period for a reasonable period of time
850 to allow such person to complete the assigned program. A record of
851 participation in such program shall be retained by the Court Support
852 Services Division for a period of ten years from the date the court grants
853 the application for participation in the program.

854 (g) At the time the court grants the application for participation in the
855 pretrial drug education and community service program, any person
856 ordered to participate in such drug education program shall pay to the
857 court a nonrefundable program fee of six hundred dollars. If the court
858 orders participation in a substance abuse treatment program, such
859 person shall pay to the court a nonrefundable program fee of one
860 hundred dollars and shall be responsible for the costs associated with
861 such program. No person may be excluded from any such program for
862 inability to pay such fee or cost, [provided (1) such person files with the
863 court an affidavit of indigency or inability to pay, (2) such indigency or
864 inability to pay is confirmed by the Court Support Services Division,
865 and (3) the court enters a finding thereof. The court may waive all or any
866 portion of such fee depending on such person's ability to pay] and the
867 court shall waive any such fee or cost if such person is found eligible to
868 have such fee or cost waived under subsection (l) of this section. If the
869 court [finds that a person is indigent or unable to pay] waives the costs
870 for a substance abuse treatment program, the costs of such program
871 shall be paid from the pretrial account established under section 54-56k.
872 If the court denies the application, such person shall not be required to
873 pay the program fee. If the court grants the application, and such person
874 is later determined to be ineligible for participation in such pretrial drug
875 education and community service program or fails to complete the
876 assigned program, the program fee shall not be refunded. All program
877 fees shall be credited to the pretrial account established under section
878 54-56k.

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

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

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

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

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

913 provided in this section.

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

922 Sec. 18. Subsection (f) of section 54-56j of the general statutes is
923 repealed and the following is substituted in lieu thereof (*Effective October*
924 *1, 2021*):

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

1067 Sec. 22. Section 21a-257 of the general statutes is repealed and the
1068 following is substituted in lieu thereof (*Effective October 1, 2021*):

1069 (a) A person to whom or for whose use any narcotic drug has been
1070 prescribed, sold or dispensed by a physician, dentist, pharmacist or
1071 other person authorized under the provisions of section 21a-248, and the
1072 owner of any animal for which any such drug has been prescribed, sold

1073 or dispensed may lawfully possess it only in the container in which it
1074 was delivered to the recipient by the person selling or dispensing the
1075 same except as may be authorized by regulations adopted [hereunder]
1076 in accordance with the provisions of chapter 54.

1077 (b) Any person who fails to keep such narcotic drug in the original
1078 container shall be guilty of a class D misdemeanor.

1079 (c) The provisions of subsection (b) of this section shall not apply to
1080 any person who in good faith has placed such narcotic drug in either a
1081 (1) pill box, case or organizer stored within such person's residence, or
1082 (2) secured or locked pill box, case or organizer.

1083 Sec. 23. Section 51-164r of the general statutes is repealed and the
1084 following is substituted in lieu thereof (*Effective October 1, 2021*):

1085 (a) Any person charged with an infraction who fails to pay the fine
1086 and any additional fee imposed or send in [his] a plea of not guilty by
1087 the answer date or wilfully fails to appear for any scheduled court
1088 appearance date which may be required shall be guilty of [a class C
1089 misdemeanor] an unclassified misdemeanor and may be sentenced to a
1090 term of imprisonment of not more than ten days.

1091 (b) Any person charged with any violation specified in subsection (b)
1092 of section 51-164n who fails to pay the fine and any additional fee
1093 imposed or send in [his] a plea of not guilty by the answer date or
1094 wilfully fails to appear for any scheduled court appearance date which
1095 may be required shall be guilty of [a class A misdemeanor] an
1096 unclassified misdemeanor and may be sentenced to a term of
1097 imprisonment of not more than ten days.

1098 Sec. 24. Subdivision (1) of subsection (a) of section 18-98d of the
1099 general statutes is repealed and the following is substituted in lieu
1100 thereof (*Effective October 1, 2021*):

1101 (a) (1) (A) Any person who is confined to a community correctional
1102 center or a correctional institution for an offense committed on or after

1103 July 1, 1981, and prior to October 1, 2021, under a mittimus or because
1104 such person is unable to obtain bail or is denied bail shall, if
1105 subsequently imprisoned, earn a reduction of such person's sentence
1106 equal to the number of days which such person spent in such facility
1107 from the time such person was placed in presentence confinement to the
1108 time such person began serving the term of imprisonment imposed;
1109 provided [(A)] (i) each day of presentence confinement shall be counted
1110 only once for the purpose of reducing all sentences imposed after such
1111 presentence confinement; and [(B)] (ii) the provisions of this section
1112 shall only apply to a person for whom the existence of a mittimus, an
1113 inability to obtain bail or the denial of bail is the sole reason for such
1114 person's presentence confinement, except that if a person is serving a
1115 term of imprisonment at the same time such person is in presentence
1116 confinement on another charge and the conviction for such
1117 imprisonment is reversed on appeal, such person shall be entitled, in
1118 any sentence subsequently imposed, to a reduction based on such
1119 presentence confinement in accordance with the provisions of this
1120 section. In the case of a fine, each day spent in such confinement prior
1121 to sentencing shall be credited against the sentence at a per diem rate
1122 equal to the average daily cost of incarceration as determined by the
1123 Commissioner of Correction.

1124 (B) Any person who is confined to a community correctional center
1125 or a correctional institution for an offense committed on or after October
1126 1, 2021, under a mittimus or because such person is unable to obtain bail
1127 or is denied bail shall, if subsequently imprisoned, earn a reduction of
1128 such person's sentence equal to the number of days which such person
1129 spent in such facility from the time such person was placed in
1130 presentence confinement to the time such person began serving the term
1131 of imprisonment imposed; provided (i) each day of presentence
1132 confinement shall be counted equally in reduction of any concurrent
1133 sentence imposed for any offense pending at the time such sentence was
1134 imposed; (ii) each day of presentence confinement shall be counted only
1135 once in reduction of any consecutive sentence so imposed; and (iii) the
1136 provisions of this section shall only apply to a person for whom the

1137 existence of a mittimus, an inability to obtain bail or the denial of bail is
1138 the sole reason for such person's presentence confinement, except that if
1139 a person is serving a term of imprisonment at the same time such person
1140 is in presentence confinement on another charge and the conviction for
1141 such imprisonment is reversed on appeal, such person shall be entitled,
1142 in any sentence subsequently imposed, to a reduction based on such
1143 presentence confinement in accordance with the provisions of this
1144 section. In the case of a fine, each day spent in such confinement prior
1145 to sentencing shall be credited against the sentence at a per diem rate
1146 equal to the average daily cost of incarceration as determined by the
1147 Commissioner of Correction.

1148 Sec. 25. Section 21a-267 of the general statutes is repealed and the
1149 following is substituted in lieu thereof (*Effective October 1, 2021*):

1150 (a) No person shall use or possess with intent to use drug
1151 paraphernalia, as defined in subdivision (20) of section 21a-240, to plant,
1152 propagate, cultivate, grow, harvest, manufacture, compound, convert,
1153 produce, process, prepare, test, analyze, pack, repack, store, contain or
1154 conceal, or to ingest, inhale or otherwise introduce into the human body,
1155 any controlled substance, as defined in subdivision (9) of section 21a-
1156 240, other than a cannabis-type substance in a quantity of less than one-
1157 half ounce. Any person who violates any provision of this subsection
1158 shall be guilty of a class C misdemeanor.

1159 (b) No person shall deliver, possess with intent to deliver or
1160 manufacture with intent to deliver drug paraphernalia knowing, or
1161 under circumstances where one reasonably should know, that it will be
1162 used to plant, propagate, cultivate, grow, harvest, manufacture,
1163 compound, convert, produce, process, prepare, test, analyze, pack,
1164 repack, store, contain or conceal, or to ingest, inhale or otherwise
1165 introduce into the human body, any controlled substance, other than a
1166 cannabis-type substance in a quantity of less than one-half ounce. Any
1167 person who violates any provision of this subsection shall be guilty of a
1168 class A misdemeanor.

1169 (c) Any person who violates subsection (a) or (b) of this section [in or
1170 on, or within one thousand five hundred feet of,] (1) with intent to
1171 commit such violation at a specific location that the trier of fact
1172 determines is (A) in or on the real property comprising a public or
1173 private elementary or secondary school, or (B) within two hundred feet
1174 of the perimeter of the real property comprising a public or private
1175 elementary or secondary school, and (2) who is not enrolled as a student
1176 in such school shall be imprisoned for a term of one year which shall not
1177 be suspended and shall be in addition and consecutive to any term of
1178 imprisonment imposed for violation of subsection (a) or (b) of this
1179 section.

1180 (d) No person shall (1) use or possess with intent to use drug
1181 paraphernalia to plant, propagate, cultivate, grow, harvest,
1182 manufacture, compound, convert, produce, process, prepare, test,
1183 analyze, pack, repack, store, contain or conceal, or to ingest, inhale or
1184 otherwise introduce into the human body, less than one-half ounce of a
1185 cannabis-type substance, or (2) deliver, possess with intent to deliver or
1186 manufacture with intent to deliver drug paraphernalia knowing, or
1187 under circumstances where one reasonably should know, that it will be
1188 used to plant, propagate, cultivate, grow, harvest, manufacture,
1189 compound, convert, produce, process, prepare, test, analyze, pack,
1190 repack, store, contain or conceal, or to ingest, inhale or otherwise
1191 introduce into the human body, less than one-half ounce of a cannabis-
1192 type substance. Any person who violates any provision of this
1193 subsection shall have committed an infraction.

1194 (e) The provisions of subsection (a) of this section shall not apply to
1195 any person (1) who in good faith, seeks medical assistance for another
1196 person who such person reasonably believes is experiencing an
1197 overdose from the ingestion, inhalation or injection of intoxicating
1198 liquor or any drug or substance, (2) for whom another person, in good
1199 faith, seeks medical assistance, reasonably believing such person is
1200 experiencing an overdose from the ingestion, inhalation or injection of
1201 intoxicating liquor or any drug or substance, or (3) who reasonably
1202 believes he or she is experiencing an overdose from the ingestion,

1203 inhalation or injection of intoxicating liquor or any drug or substance
1204 and, in good faith, seeks medical assistance for himself or herself, if
1205 evidence of the use or possession of drug paraphernalia in violation of
1206 said subsection was obtained as a result of the seeking of such medical
1207 assistance. For the purposes of this subsection, "good faith" does not
1208 include seeking medical assistance during the course of the execution of
1209 an arrest warrant or search warrant or a lawful search.

1210 Sec. 26. Section 21a-278a of the general statutes is repealed and the
1211 following is substituted in lieu thereof (*Effective October 1, 2021*):

1212 (a) Any person eighteen years of age or older who violates section
1213 21a-277 or 21a-278, and who is not, at the time of such action, a drug-
1214 dependent person, by distributing, selling, prescribing, dispensing,
1215 offering, giving or administering any controlled substance to another
1216 person who is under eighteen years of age and is at least two years
1217 younger than such person who is in violation of section 21a-277 or 21a-
1218 278, shall be imprisoned for a term of two years, which shall not be
1219 suspended and shall be in addition and consecutive to any term of
1220 imprisonment imposed for violation of section 21a-277 or 21a-278.

1221 (b) Any person who violates section 21a-277 or 21a-278 by
1222 manufacturing, distributing, selling, prescribing, dispensing,
1223 compounding, transporting with the intent to sell or dispense,
1224 possessing with the intent to sell or dispense, offering, giving or
1225 administering to another person any controlled substance [in or on, or
1226 within one thousand five hundred feet of,] with intent to commit such
1227 violation at a specific location that the trier of fact determines is (1) in or
1228 on the real property comprising a (A) public or private elementary or
1229 secondary school, [a] (B) public housing project, or [a] (C) licensed child
1230 care center, as defined in section 19a-77, that is identified as a child care
1231 center by a sign posted in a conspicuous place, or (2) within two
1232 hundred feet of the perimeter of the real property comprising such (A)
1233 public or private elementary or secondary school, (B) public housing
1234 project, or (C) licensed child care center, shall be imprisoned for a term
1235 of three years, which shall not be suspended and shall be in addition

1236 and consecutive to any term of imprisonment imposed for violation of
1237 section 21a-277 or 21a-278. To constitute a violation of this subsection,
1238 an act of transporting or possessing a controlled substance shall be with
1239 intent to sell or dispense in or on, or within [one thousand five] two
1240 hundred feet of the perimeter of, the real property comprising a public
1241 or private elementary or secondary school, a public housing project or a
1242 licensed child care center, as defined in section 19a-77, that is identified
1243 as a child care center by a sign posted in a conspicuous place. For the
1244 purposes of this subsection, "public housing project" means dwelling
1245 accommodations operated as a state or federally subsidized multifamily
1246 housing project by a housing authority, nonprofit corporation or
1247 municipal developer, as defined in section 8-39, pursuant to chapter 128
1248 or by the Connecticut Housing Authority pursuant to chapter 129.

1249 (c) Any person who employs, hires, uses, persuades, induces, entices
1250 or coerces a person under eighteen years of age to violate section 21a-
1251 277 or 21a-278 shall be imprisoned for a term of three years, which shall
1252 not be suspended and shall be in addition and consecutive to any term
1253 of imprisonment imposed for violation of section 21a-277 or 21a-278.

1254 Sec. 27. Section 21a-279 of the general statutes is repealed and the
1255 following is substituted in lieu thereof (*Effective October 1, 2021*):

1256 (a) (1) Any person who possesses or has under such person's control
1257 any quantity of any controlled substance, except less than one-half
1258 ounce of a cannabis-type substance and except as authorized in this
1259 chapter, shall be guilty of a class A misdemeanor.

1260 (2) For a second offense of subdivision (1) of this subsection, the court
1261 shall evaluate such person and, if the court determines such person is a
1262 drug-dependent person, the court may suspend prosecution of such
1263 person and order such person to undergo a substance abuse treatment
1264 program.

1265 (3) For any subsequent offense of subdivision (1) of this subsection,
1266 the court may find such person to be a persistent offender for possession
1267 of a controlled substance in accordance with section 53a-40, as amended

1268 by this act.

1269 (b) Any person who violates subsection (a) of this section in or on, or
1270 within [one thousand five] two hundred feet of [,] the perimeter of the
1271 real property comprising a (1) public or private elementary or secondary
1272 school and who is not enrolled as a student in such school, or [a] (2)
1273 licensed child care center, as defined in section 19a-77, that is identified
1274 as a child care center by a sign posted in a conspicuous place, shall be
1275 guilty of a class A misdemeanor and shall be sentenced to a term of
1276 imprisonment and a period of probation during which such person shall
1277 perform community service as a condition of such probation, in a
1278 manner ordered by the court.

1279 (c) To the extent that it is possible, medical treatment rather than
1280 criminal sanctions shall be afforded individuals who breathe, inhale,
1281 sniff or drink the volatile substances described in subdivision (49) of
1282 section 21a-240.

1283 (d) The provisions of subsection (a) of this section shall not apply to
1284 any person (1) who in good faith, seeks medical assistance for another
1285 person who such person reasonably believes is experiencing an
1286 overdose from the ingestion, inhalation or injection of intoxicating
1287 liquor or any drug or substance, (2) for whom another person, in good
1288 faith, seeks medical assistance, reasonably believing such person is
1289 experiencing an overdose from the ingestion, inhalation or injection of
1290 intoxicating liquor or any drug or substance, or (3) who reasonably
1291 believes he or she is experiencing an overdose from the ingestion,
1292 inhalation or injection of intoxicating liquor or any drug or substance
1293 and, in good faith, seeks medical assistance for himself or herself, if
1294 evidence of the possession or control of a controlled substance in
1295 violation of subsection (a) of this section was obtained as a result of the
1296 seeking of such medical assistance. For the purposes of this subsection,
1297 "good faith" does not include seeking medical assistance during the
1298 course of the execution of an arrest warrant or search warrant or a lawful
1299 search.

1300 (e) No provision of this section shall be construed to alter or modify
1301 the meaning of the provisions of section 21a-278.

1302 Sec. 28. Section 53a-39 of the general statutes is repealed and the
1303 following is substituted in lieu thereof (*Effective from passage*):

1304 (a) [At] Except as provided in subsection (b) of this section, at any
1305 time during [the period of a definite sentence of three years or less] an
1306 executed period of incarceration, the sentencing court or judge may,
1307 after hearing and for good cause shown, reduce the sentence, order the
1308 defendant discharged, or order the defendant discharged on probation
1309 or conditional discharge for a period not to exceed that to which the
1310 defendant could have been originally sentenced.

1311 (b) At any time during the period of a [definite] sentence in which a
1312 defendant has been sentenced to an executed period of incarceration of
1313 more than [three] seven years as a result of a plea agreement, including
1314 an agreement in which there is an agreed upon range of sentence, upon
1315 agreement of the defendant and the state's attorney to seek review of the
1316 sentence, the sentencing court or judge may, after hearing and for good
1317 cause shown, reduce the sentence, order the defendant discharged, or
1318 order the defendant discharged on probation or conditional discharge
1319 for a period not to exceed that to which the defendant could have been
1320 originally sentenced.

1321 (c) If, after a hearing pursuant to this section, the sentencing court or
1322 judge denies a motion to reduce a defendant's sentence or discharge the
1323 defendant, the defendant may not file a subsequent motion for relief
1324 under this section until five years have elapsed from the date of the most
1325 recent decision denying such defendant relief pursuant to this section.

1326 [(c)] (d) The provisions of this section shall not apply to any portion
1327 of a sentence imposed that is a mandatory minimum sentence for an
1328 offense which may not be suspended or reduced by the court.

1329 [(d)] (e) At a hearing held by the sentencing court or judge under this
1330 section, such court or judge shall permit any victim of the crime to

1331 appear before the court or judge for the purpose of making a statement
 1332 for the record concerning whether or not the sentence of the defendant
 1333 should be reduced, the defendant should be discharged or the
 1334 defendant should be discharged on probation or conditional discharge
 1335 pursuant to subsection (a) or (b) of this section. In lieu of such
 1336 appearance, the victim may submit a written statement to the court or
 1337 judge and the court or judge shall make such statement a part of the
 1338 record at the hearing. For the purposes of this subsection, "victim"
 1339 means the victim, the legal representative of the victim or a member of
 1340 the deceased victim's immediate family.

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

Sec. 26	<i>October 1, 2021</i>	21a-278a
Sec. 27	<i>October 1, 2021</i>	21a-279
Sec. 28	<i>from passage</i>	53a-39

Statement of Purpose:

To (1) permit the state to depose persons seventy-five years of age and older in criminal matters; (2) change "patronizing a prostitute" to "soliciting sexual acts"; (3) transfer the requirement for a state's attorney to investigate a town clerk/treasurer to the Office of the Attorney General; (4) transfer bond forfeiture duties from the Division of Criminal Justice to the Office of the Attorney General; (5) require state prosecutors to notify the Office of Attorney General when the defendant in a state court action is a public official or state or municipal employee charged with a crime related to their office for purposes of pension revocation; (6) bring the definition of "vendor fraud" in line with its federal criminal counterpart; (7) clarify and provide a more appropriate penalty for the wilful and unauthorized distribution of intimate images of an individual; (8) increase the penalty for severe internet stalking or cyber harassment; (9) provide a ten-year look back in the sentencing of certain persistent offenders, including those charged with possession of a controlled substance; (10) clarify that application and program fees required by statute for certain pretrial diversionary programs are waived for persons represented by a public defender appointed or a determination of indigency by the court; (11) provide that community service cannot be required in lieu of any fees for indigent persons; (12) eliminate the disparity between possession of a narcotic drug and the storage of such; (13) reduce the penalties when a person charged with an infraction or violation fails to respond or pay a fine; (14) allow for pre-sentence confinement credit on all concurrent sentences regardless of the day the sentences are imposed, while ensuring that consecutive sentences are not credited twice; (15) enact recommendations by the Connecticut Sentencing Commission concerning the enhanced penalty for the sale or possession of drugs near schools, day care centers and public housing projects; and (16) enact recommendations by the Connecticut Sentencing Commission regarding sentence modification.

[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.]