



General Assembly

February Session, 2020

Raised Bill No. 443

LCO No. 2757



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

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

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

1 Section 1. Section 54-56g of the 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

4 [(a) (1) There shall be a pretrial alcohol education program for
5 persons charged with a violation of section 14-227a, 14-227g or 14-227m,
6 subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-
7 133 or 15-140n. Upon application by any such person for participation
8 in such program, the court shall, but only as to the public, order the
9 court file sealed, and such person shall pay to the court an application
10 fee of one hundred dollars and a nonrefundable evaluation fee of one
11 hundred dollars, and such person shall state under oath, in open court
12 or before any person designated by the clerk and duly authorized to
13 administer oaths, under penalties of perjury that: (A) If such person is
14 charged with a violation of section 14-227a, 14-227g or 14-227m,
15 subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d)

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

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

48 (3) The application fee imposed under this subsection shall be

49 credited to the Criminal Injuries Compensation Fund established under
50 section 54-215. The evaluation fee imposed under this subsection shall
51 be credited to the pretrial account established under section 54-56k.

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

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

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

130 (c) At the time the court grants the application for participation in the
131 pretrial alcohol education program, such person shall also pay to the
132 court a nonrefundable program fee of three hundred fifty dollars if such
133 person is ordered to participate in the ten-session intervention program
134 and a nonrefundable program fee of five hundred dollars if such person
135 is ordered to participate in the fifteen-session intervention program. If
136 the court grants the application for participation in the pretrial alcohol
137 education program and such person is ordered to participate in a
138 substance abuse treatment program, such person shall be responsible
139 for the costs associated with participation in such program. No person
140 may be excluded from either program for inability to pay such fee or
141 cost, provided (1) such person files with the court an affidavit of
142 indigency or inability to pay, (2) such indigency or inability to pay is
143 confirmed by the Court Support Services Division, and (3) the court
144 enters a finding thereof. If the court finds that a person is indigent or
145 unable to pay for a treatment program, the costs of such program shall
146 be paid from the pretrial account established under section 54-56k. If the
147 court finds that a person is indigent or unable to pay for an intervention
148 program, the court may waive all or any portion of the fee for such

149 intervention program. If the court denies the application, such person
150 shall not be required to pay the program fee. If the court grants the
151 application and such person is later determined to be ineligible for
152 participation in such pretrial alcohol education program or fails to
153 complete the assigned program, the program fee shall not be refunded.
154 All program fees shall be credited to the pretrial account established
155 under section 54-56k.

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

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

181 (f) The Department of Mental Health and Addiction Services shall
182 contract with service providers, develop standards and oversee
183 appropriate alcohol programs to meet the requirements of this section.
184 Said department shall adopt regulations, in accordance with chapter 54,
185 to establish standards for such alcohol programs. Any person ordered
186 to participate in a treatment program shall do so at a state-licensed
187 treatment program which meets the standards established by said
188 department. Any defendant whose employment or residence makes it
189 unreasonable to attend an alcohol intervention program or a substance
190 abuse treatment program in this state may attend a program in another
191 state which has standards substantially similar to, or higher than, those
192 of this state, subject to the approval of the court and payment of the
193 application, evaluation and program fees and treatment costs, as
194 appropriate, as provided in this section.

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

210 (h) The provisions of this section shall not be applicable in the case of
211 any person charged with a violation of section 14-227a or 14-227m or
212 subdivision (1) or (2) of subsection (a) of section 14-227n (1) while
213 operating a commercial motor vehicle, as defined in section 14-1, or (2)

214 who holds a commercial driver's license or commercial driver's
215 instruction permit at the time of the violation.]

216 (a) (1) There is established a pretrial alcohol intervention program for
217 persons charged with a violation of section 14-227a, 14-227g, 14-227m,
218 14-227n, subsection (d) of section 15-133 or section 15-140n. The
219 program shall consist of a twelve-session alcohol education component
220 or a substance use treatment component of not less than fifteen sessions,
221 and may also include a victim impact component as ordered by the
222 court pursuant to subsection (d) of this section.

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

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

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

235 (C) Who has been convicted of a violation of section 14-227a, 14-227g,
236 14-227m, 14-227n, 15-132a, subsection (d) of section 15-133, section 15-
237 140l, 15-140n, 53a-56b or 53a-60d;

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

242 (E) Who is charged with a violation of section 14-227a, 14-227g, 14-

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

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

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

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

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

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

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

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

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

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

269 (E) The applicant will not engage in any conduct that is inconsistent

270 with the purposes of this program, including, but not limited to,
271 engaging in any conduct that would be a violation of section 14-227a,
272 14-227g, 14-227m, 14-227n, subsection (d) of section 15-133 or section 15-
273 140n; and

274 (F) Upon completion of participation in the alcohol education or
275 substance use treatment component of the program ordered by the
276 court, the applicant may be required to participate in additional
277 substance use treatment pursuant to subparagraph (A) of subdivision
278 (2) of subsection (h) of this section to satisfactorily complete the program
279 if a program component provider recommends such additional
280 treatment and the Court Support Services Division deems it
281 appropriate, or the court orders the additional treatment; and

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

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

296 (d) (1) Upon confirmation of eligibility and that the applicant sent the
297 notice required under subsection (c) of this section, receipt of the
298 evaluation and determination required under subparagraph (B) of
299 subdivision (4) of subsection (b) of this section, and after consideration
300 of any victim statement and the recommendation of the state's attorney,

301 assistant state's attorney or deputy assistant state's attorney in charge of
302 the case, the court may, in its discretion, grant the application for, and
303 place the applicant in, the pretrial alcohol intervention program for a
304 period of one year.

305 (2) If the court grants the application and places the applicant in the
306 program, the court (A) shall order the applicant to participate in the
307 alcohol education or substance use treatment component of the
308 program, as recommended by the evaluation conducted pursuant to
309 subparagraph (B) of subdivision (4) of subsection (b) of this section and
310 determined to be appropriate by the court, and (B) may also order the
311 applicant to participate in a victim impact component for which the
312 applicant must attend a victim impact panel approved by the Court
313 Support Services Division pursuant to subdivision (1) of subsection (f)
314 of this section.

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

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

329 (e) (1) At the time that any person is placed in the program and
330 ordered to participate in the alcohol education or substance use
331 treatment component such person shall, if ordered to participate in the

332 (A) alcohol education component, pay to the court a nonrefundable
333 program fee of five hundred dollars, or (B) substance use treatment
334 component, pay to the court a nonrefundable program fee of one
335 hundred dollars and shall also pay to the treatment provider any costs
336 associated with such treatment. All program fees shall be credited to the
337 pretrial account established under section 54-56k.

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

343 (3) (A) No person may be excluded from any component of the
344 program because such person is indigent and unable to pay the
345 associated fee or cost, provided (i) such person files with the court an
346 affidavit of indigency, and (ii) the court enters a finding of such
347 indigency.

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

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

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

359 (f) (1) The Court Support Services Division shall approve a nonprofit
360 organization that advocates on behalf of victims of accidents caused by
361 persons who operated a motor vehicle while under the influence of

362 intoxicating liquor or drugs, or both, to provide victim impact panels for
363 the victim impact component of the program. Victim impact panels shall
364 provide a nonconfrontational forum for the victims of alcohol or drug-
365 related offenses and offenders to share experiences on the impact of
366 alcohol or drug-related incidents in their lives. Such organization may
367 assess a participation fee of not more than seventy-five dollars per panel
368 on any person ordered to participate in the victim impact component of
369 the program, provided such organization offers a hardship waiver of
370 the participation fee when it determines that the imposition of the fee
371 would pose an economic hardship for such person.

372 (2) The Court Support Services Division shall refer any person (A)
373 placed in the program to the Department of Mental Health and
374 Addiction Services or to a state-licensed substance use treatment
375 provider with facilities that are in compliance with all state standards
376 governing the operation of such facilities, as appropriate, for the
377 purpose of receiving the alcohol education or substance use treatment
378 component services ordered by the court, and (B) ordered to participate
379 in the victim impact component to an organization approved to conduct
380 victim impact panels in accordance with subdivision (1) of this
381 subsection.

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

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

405 (h) (1) All program component providers shall provide the Court
406 Support Services Division with a certification regarding the
407 participation of each person referred to such provider pursuant to this
408 section in the manner required by the Court Support Services Division.
409 (A) If such person has successfully completed the applicable program
410 component, the certification shall indicate such successful completion
411 and state whether additional substance use treatment is recommended.
412 (B) If such person has failed to successfully complete the applicable
413 program component, the certification shall indicate the reasons for such
414 failure, whether the person is no longer amenable to education or
415 treatment, and whether the current referral was an initial referral or a
416 reinstatement into the program component. The certification of failure
417 shall also, to the extent practicable, include a recommendation as to
418 whether an alternative alcohol education or substance use treatment
419 component would best serve such person's needs.

420 (2) Upon receipt of a participation certification from any program
421 component provider pursuant to this subsection the Court Support
422 Services Division (A) may, if the certification indicates that a person who
423 was placed in the program successfully completed the alcohol education
424 or substance use treatment component ordered by the court, but the
425 program component provider recommends additional substance use
426 treatment for such person, and the Court Support Services Division

427 deems such additional treatment appropriate, require such person to
428 participate in the recommended additional substance use treatment in
429 order to satisfactorily complete the pretrial alcohol intervention
430 program, and (B) shall provide the court with a final progress report
431 indicating whether such person has successfully completed any
432 components of the program ordered by the court and whether the Court
433 Support Services Division required such person to participate in any
434 additional substance use treatment after successful completion of the
435 program component initially ordered by the court. The final progress
436 report shall include any other information obtained during the
437 supervision of such person relevant to such person's participation in the
438 program.

439 (i) (1) If any person placed in the program successfully completes all
440 components of the program ordered by the court and any additional
441 substance use treatment required by the Court Support Services
442 Division and has paid all fees or costs required under the provisions of
443 this section, at the conclusion of such person's period of participation in
444 the program such person may apply for dismissal of the charges against
445 such person. Upon application, the court shall review the final progress
446 report submitted by the Court Support Services Division regarding such
447 person and any other relevant information, including whether such
448 person has paid all fees or costs required under the provisions of this
449 section. If the court finds that such person has satisfactorily completed
450 the pretrial alcohol intervention program, the court shall dismiss the
451 charges, unless such person has not paid all fees or costs required under
452 the provisions of this section, in which case, the court shall either
453 continue the case until such fees or costs are paid, or waive any
454 outstanding fees or costs prior to dismissing the charges.

455 (2) If any person who has successfully completed all components of
456 the program ordered by the court and any additional substance use
457 treatment required by the Court Support Services Division does not
458 apply for dismissal of the charges against such person at the conclusion
459 of such person's period of participation in the program, the court, upon

460 review of the final progress report regarding such person submitted by
461 the Court Support Services Division and any other relevant information,
462 including whether such person has paid all fees or costs required under
463 the provisions of this section, may, on its own motion, make a finding
464 of satisfactory completion of the pretrial alcohol intervention program
465 and dismiss the charges. If the court determines that such person has
466 not paid all fees or costs required under the provisions of this section,
467 such court shall either not dismiss the charges on its own motion until
468 such fees or costs are paid, or waive any outstanding fees or costs prior
469 to dismissing the charges.

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

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

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

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

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

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

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

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

515 (l) (1) If any person applies for both the pretrial alcohol intervention
516 program under the provisions of this section and the pretrial drug
517 intervention and community service program pursuant to section 54-
518 56i, as amended by this act, for charges arising from the same arrest, and
519 the Department of Mental Health and Addiction Services has already
520 completed the required evaluation and determination of the
521 appropriate drug education or substance use treatment component

522 under the provisions of section 54-56i, as amended by this act, the court
523 may rely on such evaluation and determination for the purposes of
524 ordering participation in the alcohol education or substance use
525 treatment component of the program under the provisions of this
526 section. If the court relies on such evaluation and determination, such
527 person shall not be required to pay the evaluation fee under the
528 provisions of subdivision (2) of subsection (b) of this section, provided
529 that such person has paid, or the court has waived, the evaluation fee
530 pursuant to section 54-56i, as amended by this act.

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

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

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

547 (3) Nothing in this subsection shall relieve any person placed in the
548 pretrial alcohol intervention program pursuant to this section and
549 placed in the pretrial drug intervention and community service
550 program pursuant to section 54-56i, as amended by this act, of charges
551 arising from the same arrest from the requirement to participate in (A)
552 the victim impact component of the pretrial alcohol intervention

553 program, if ordered by the court under the provisions of this section, in
554 order to satisfactorily complete the pretrial alcohol intervention
555 program, and (B) the community service component of the pretrial drug
556 intervention and community service program pursuant to section 54-
557 56i, as amended by this act, in order to satisfactorily complete the
558 pretrial drug intervention and community service program.

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

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

570 (2) For any person charged with a violation of section 14-227a, 14-
571 227g, 14-227m or 14-227n whose charges were dismissed pursuant to the
572 provisions of this section, the Court Support Services Division shall
573 transmit to the Department of Motor Vehicles the record of such
574 person's participation in the program. The Department of Motor
575 Vehicles shall maintain the record of any person's participation in such
576 program as part of such person's driving record for a period of ten years.

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

584 person's boater certification record for a period of ten years.

585 Sec. 2. Section 54-56i of the 2020 supplement to the general statutes is
586 repealed and the following is substituted in lieu thereof (*Effective October*
587 *1, 2020*):

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

594 (b) Upon application by any such person for participation in such
595 program, the court shall, but only as to the public, order the court file
596 sealed, and such person shall pay to the court of an application fee of
597 one hundred dollars and a nonrefundable evaluation fee of one hundred
598 fifty dollars. A person shall be ineligible for participation in such pretrial
599 drug education and community service program if such person has
600 twice previously participated in (1) the pretrial drug education program
601 established under the provisions of this section in effect prior to October
602 1, 2013, (2) the community service labor program established under
603 section 53a-39c, (3) the pretrial drug education and community service
604 program established under this section, or (4) any of such programs,
605 except that the court may allow a person who has twice previously
606 participated in such programs to participate in the pretrial drug
607 education and community service program one additional time, for
608 good cause shown. The evaluation and application fee imposed under
609 this subsection shall be credited to the pretrial account established
610 under section 54-56k.

611 (c) The court, after consideration of the recommendation of the state's
612 attorney, assistant state's attorney or deputy assistant state's attorney in
613 charge of the case, may, in its discretion, grant such application. If the
614 court grants such application, the court shall refer such person (1) to the

615 Court Support Services Division for confirmation of the eligibility of the
616 applicant, (2) to the Department of Mental Health and Addiction
617 Services for evaluation and determination of an appropriate drug
618 education or substance abuse treatment program for the first or second
619 time such application is granted, and (3) to a state-licensed substance
620 abuse treatment program for evaluation and determination of an
621 appropriate substance abuse treatment program for the third time such
622 application is granted, except that, if such person is a veteran, the court
623 may refer such person to the Department of Veterans Affairs or the
624 United States Department of Veterans Affairs, as applicable, for any
625 such evaluation and determination. For the purposes of this subsection
626 and subsection (d) of this section, "veteran" means any person who was
627 discharged or released under conditions other than dishonorable from
628 active service in the armed forces as defined in section 27-103.

629 (d) (1) (A) Upon confirmation of eligibility and receipt of the
630 evaluation and determination required under subsection (c) of this
631 section, such person shall be placed in the pretrial drug education and
632 community service program and referred by the Court Support Services
633 Division for the purpose of receiving appropriate drug education
634 services or substance abuse treatment program services, as
635 recommended by the evaluation conducted pursuant to subsection (c)
636 of this section and ordered by the court, to the Department of Mental
637 Health and Addiction Services or to a state-licensed substance abuse
638 treatment program for placement in the appropriate drug education or
639 substance abuse treatment program, except that, if such person is a
640 veteran, the division may refer such person to the Department of
641 Veterans Affairs or the United States Department of Veterans Affairs,
642 subject to the provisions of subdivision (2) of this subsection.

643 (B) Persons who have been granted entry into the pretrial drug
644 education and community service program for the first time shall
645 participate in either a fifteen-session drug education program or a
646 substance abuse treatment program of not less than fifteen sessions, as
647 ordered by the court on the basis of the evaluation and determination

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

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

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

681 of Veterans Affairs or the United States Department of Veterans Affairs,
682 subject to the provisions of subdivision (2) of this subsection.

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

701 (2) The Court Support Services Division may only refer a veteran to
702 the Department of Veterans Affairs or the United States Department of
703 Veterans Affairs for the receipt of services under the program if (A) the
704 division determines that such services will be provided in a timely
705 manner under standards substantially similar to, or higher than,
706 standards for services provided by the Department of Mental Health
707 and Addiction Services under the program, and (B) the applicable
708 department agrees to submit timely program participation and
709 completion reports to the division in the manner required by the
710 division.

711 (e) If the Court Support Services Division informs the court that such
712 person is ineligible for the program and the court makes a determination

713 of ineligibility or if the program provider certifies to the court that such
714 person did not successfully complete the assigned program and such
715 person did not request, or the court denied, reinstatement in the
716 program under subsection (i) of this section, the court shall order the
717 court file to be unsealed, enter a plea of not guilty for such person and
718 immediately place the case on the trial list.

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

735 (g) At the time the court grants the application for participation in the
736 pretrial drug education and community service program, any person
737 ordered to participate in such drug education program shall pay to the
738 court a nonrefundable program fee of six hundred dollars. If the court
739 orders participation in a substance abuse treatment program, such
740 person shall pay to the court a nonrefundable program fee of one
741 hundred dollars and shall be responsible for the costs associated with
742 such program. No person may be excluded from any such program for
743 inability to pay such fee or cost, provided (1) such person files with the
744 court an affidavit of indigency or inability to pay, (2) such indigency or
745 inability to pay is confirmed by the Court Support Services Division,

746 and (3) the court enters a finding thereof. The court may waive all or any
747 portion of such fee depending on such person's ability to pay. If the
748 court finds that a person is indigent or unable to pay for a substance
749 abuse treatment program, the costs of such program shall be paid from
750 the pretrial account established under section 54-56k. If the court denies
751 the application, such person shall not be required to pay the program
752 fee. If the court grants the application, and such person is later
753 determined to be ineligible for participation in such pretrial drug
754 education and community service program or fails to complete the
755 assigned program, the program fee shall not be refunded. All program
756 fees shall be credited to the pretrial account established under section
757 54-56k.

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

766 (i) When a person subsequently requests reinstatement into a drug
767 education program or a substance abuse treatment program and the
768 Court Support Services Division verifies that such person is eligible for
769 reinstatement into such program and thereafter the court favorably acts
770 on such request, any person reinstated into such drug education
771 program shall pay a nonrefundable program fee of two hundred fifty
772 dollars, and any person reinstated into a substance abuse treatment
773 program shall be responsible for the costs, if any, associated with being
774 reinstated into the treatment program. Unless good cause is shown,
775 such program fee shall not be waived. All program fees collected in
776 connection with a reinstatement to a drug education program shall be
777 credited to the pretrial account established under section 54-56k. No
778 person shall be permitted more than two program reinstatements

779 pursuant to this subsection.

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

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

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

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

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

803 (B) The community service labor program established under section
804 53a-39c;

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

807 (D) Any of such programs, except that the court may allow a person

808 who has twice previously participated in such programs to participate
809 in the program established under the provisions of this section one
810 additional time, for good cause shown.

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

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

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

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

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

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

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

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

829 (E) The applicant will not engage in any conduct that is inconsistent
830 with the purposes of this program, including, but not limited to,
831 engaging in any conduct that would be a violation of section 21a-267,
832 21a-279 or 21a-279a; and

833 (F) Upon completion of participation in the drug education or
834 substance use treatment component of the program ordered by the

835 court, the applicant may be required to participate in additional
836 substance use treatment pursuant to subparagraph (A) of subdivision
837 (2) of subsection (g) of this section to satisfactorily complete the program
838 if a program component provider recommends such additional
839 treatment, the Court Support Services Division deems it appropriate, or
840 the court orders the additional treatment.

841 (4) The court shall refer the applicant to:

842 (A) The Court Support Services Division for confirmation of the
843 eligibility to participate in the program; and

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

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

863 (c) (1) Upon confirmation of eligibility, receipt of the evaluation and
864 determination required under subparagraph (B) of subdivision (4) of
865 subsection (b) of this section, and after consideration of the

866 recommendation of the state's attorney, assistant state's attorney or
867 deputy assistant state's attorney in charge of the case, the court may, in
868 its discretion, grant the application for, and place the applicant in, the
869 pretrial drug intervention and community service program for a period
870 of one year.

871 (2) If the court grants the application and places the applicant in the
872 program:

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

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

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

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

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

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

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

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

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

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

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

927 governing the operation of such facilities, as appropriate, for the
928 purpose of receiving the drug education or substance use treatment
929 component services ordered by the court, and (B) supervise such
930 person's participation in the applicable community service component
931 ordered by the court.

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

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

957 (f) The Department of Mental Health and Addiction Services shall
958 administer the drug education component of the program and shall

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

969 (g) (1) All program component providers shall provide the Court
970 Support Services Division with a certification regarding the
971 participation of each person referred to such provider pursuant to this
972 section in the manner required by the Court Support Services Division.
973 (A) If such person has successfully completed the applicable program
974 component, the certification shall indicate such successful completion
975 and state whether additional substance use treatment is recommended.
976 (B) If such person has failed to successfully complete the applicable
977 program component, the certification shall indicate the reasons for such
978 failure, whether the person is no longer amenable to education or
979 treatment, and whether the current referral was an initial referral or a
980 reinstatement into the program component. The certification of failure
981 shall also, to the extent practicable, include a recommendation as to
982 whether an alternative drug education or substance use treatment
983 component would best serve such person's needs.

984 (2) Upon receipt of a participation certification from any program
985 component provider pursuant to this subsection the Court Support
986 Services Division (A) may, if the certification indicates that a person who
987 was placed in the program successfully completed the drug education
988 or substance use treatment component ordered by the court, but the
989 program component provider recommends additional substance use
990 treatment for such person, and the Court Support Services Division
991 deems such additional treatment appropriate, require such person to

992 participate in the recommended additional substance use treatment in
993 order to satisfactorily complete the pretrial drug intervention and
994 community service program, and (B) shall provide the court with a final
995 progress report indicating whether such person has successfully
996 completed any components of the program ordered by the court and
997 whether the Court Support Services Division required such person to
998 participate in any additional substance use treatment after successful
999 completion of the program component initially ordered by the court.
1000 The final progress report shall include any other information obtained
1001 during the supervision of such person relevant to such person's
1002 participation in the program.

1003 (h) (1) If any person placed in the program successfully completes all
1004 components of the program ordered by the court and any additional
1005 substance use treatment required by the Court Support Services
1006 Division and has paid all fees or costs required under the provisions of
1007 this section, at the conclusion of such person's period of participation in
1008 the program such person may apply for dismissal of the charges against
1009 such person. Upon application, the court shall review the final progress
1010 report submitted by the Court Support Services Division regarding such
1011 person and any other relevant information, including whether such
1012 person has paid all fees or costs required under the provisions of this
1013 section. If the court finds that such person has satisfactorily completed
1014 the pretrial drug intervention and community service program, the
1015 court shall dismiss the charges, unless such person has not paid all fees
1016 or costs required under the provisions of this section, in which case, the
1017 court shall either continue the case until such fees or costs are paid, or
1018 waive any outstanding fees or costs prior to dismissing the charges.

1019 (2) If any person who has successfully completed all components of
1020 the program ordered by the court and any additional substance use
1021 treatment required by the Court Support Services Division does not
1022 apply for dismissal of the charges against such person at the conclusion
1023 of such person's period of participation in the program, the court, upon
1024 review of the final progress report regarding such person submitted by

1025 the Court Support Services Division and any other relevant information,
1026 including whether such person has paid all fees or costs required under
1027 the provisions of this section, may, on its own motion, make a finding
1028 of satisfactory completion of the pretrial drug intervention and
1029 community service program and dismiss the charges. If the court
1030 determines that such person has not paid all fees or costs required under
1031 the provisions of this section, such court shall either not dismiss the
1032 charges on its own motion until such fees or costs are paid, or waive any
1033 outstanding fees or costs prior to dismissing the charges.

1034 (3) Upon the motion of any person placed in the program and a
1035 showing of good cause, the court may extend the program placement
1036 period for a reasonable period of time to allow such person to complete
1037 the applicable program components.

1038 (i) If the final progress report submitted by the Court Support
1039 Services Division indicates that any person placed in the program has
1040 failed to successfully complete any component of the program ordered
1041 by the court or is no longer amenable to treatment or, upon review of
1042 any other relevant information, the court finds that any person placed
1043 in the program is otherwise ineligible to continue participating in the
1044 program, the court shall terminate such person's participation in the
1045 program. No program fees shall be refunded to any person whose
1046 participation in the program is terminated. Unless such person requests,
1047 and the court grants, reinstatement into the program pursuant to
1048 subsection (j) of this section, the court shall order the court file to be
1049 unsealed, enter a plea of not guilty for such person and immediately
1050 place the case on the trial list.

1051 (j) (1) Any person who fails to successfully complete any component
1052 of the program ordered by the court or whom the court finds to be
1053 otherwise ineligible to continue participating in the program may ask
1054 the court to reinstate such person into the program up to two times.

1055 (2) If a person requests reinstatement into the program, the Court

1056 Support Services Division shall verify that such person is eligible for
1057 such reinstatement.

1058 (3) If a person requesting reinstatement into the program is eligible
1059 for reinstatement, the court shall review any final progress report
1060 submitted by the Court Support Services Division regarding such
1061 person's failure to complete any program components initially ordered
1062 and any other relevant information, and may, in its discretion, grant
1063 such person reinstatement into the program. When granting such
1064 reinstatement, the court shall order the defendant to participate in the
1065 appropriate drug education, substance use treatment or community
1066 service component of the program in accordance with subdivision (2) of
1067 subsection (c) of this section.

1068 (4) (A) Any person reinstated into the program shall pay (i) a
1069 nonrefundable program fee of two hundred fifty dollars if ordered to
1070 participate in the drug education component of the program, or (ii) the
1071 costs of any substance use treatment if ordered to participate in the
1072 substance use treatment component of the program.

1073 (B) Unless good cause is shown, the court shall not waive the
1074 program fee or the costs of substance use treatment associated with
1075 reinstatement into the program.

1076 (C) All program fees collected in connection with a reinstatement to
1077 the program shall be credited to the pretrial account established under
1078 section 54-56k.

1079 (k) (1) If any person applies for both the pretrial drug intervention
1080 and community service program under the provisions of this section
1081 and the pretrial alcohol education program pursuant to section 54-56g,
1082 as amended by this act, for charges arising from the same arrest, and the
1083 Department of Mental Health and Addiction Services has already
1084 completed the required evaluation and determination of the
1085 appropriate alcohol education or substance use treatment component
1086 pursuant to section 54-56g, as amended by this act, the court may rely

1087 on such evaluation and determination for the purposes of ordering
1088 participation in the drug education or substance use treatment
1089 component of the program under the provisions of this section. If the
1090 court relies on such evaluation and determination, such person shall not
1091 be required to pay the evaluation fee under the provisions of
1092 subdivision (2) of subsection (b) of this section, provided that such
1093 person has paid, or the court has waived, the evaluation fee pursuant to
1094 section 54-56g, as amended by this act.

1095 (2) If any person is placed in both the pretrial drug intervention and
1096 community service program under the provisions of this section and the
1097 pretrial alcohol intervention program pursuant to section 54-56g, as
1098 amended by this act, for charges arising from the same arrest, the court
1099 may find that (A) such person's successful completion of the alcohol
1100 education component of the pretrial alcohol intervention program
1101 pursuant to section 54-56g, as amended by this act, satisfies such
1102 person's required participation in the drug education component of the
1103 pretrial drug intervention and community service program under the
1104 provisions of this section; and (B) such person's successful completion
1105 of the substance use treatment component of the alcohol intervention
1106 program pursuant to section 54-56g, as amended by this act, shall count
1107 as such person's successful completion of the substance use treatment
1108 component of the drug intervention and community service program
1109 under the provisions of this section.

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

1120 to section 54-56g, as amended by this act, in order to satisfactorily
1121 complete the pretrial alcohol intervention program; and

1122 (4) Nothing in this subsection shall affect any person's eligibility for
1123 participation in the pretrial alcohol intervention program pursuant to
1124 section 54-56g, as amended by this act, if such person is placed in the
1125 pretrial drug intervention and community service program pursuant to
1126 the provisions of this section independent of a concurrent application
1127 for and placement in the pretrial alcohol intervention program for
1128 charges arising from the same arrest.

1129 (l) The Court Support Services Division shall retain a record of
1130 participation in the pretrial drug intervention and community service
1131 program for a period of ten years from the date the court grants the
1132 application for, and places the applicant in, the program pursuant to the
1133 provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2020	54-56g
Sec. 2	October 1, 2020	54-56i

Statement of Purpose:

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

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