

**PA13-159**

HB6699

House	6477-6499	23
Judiciary	4310, 4317-4324, (4329-4331), 4609, (4610), 4611, 4654-4655, 4609-4712	121
Senate	4143-4144	2
		<b>146</b>

**H – 1168**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 19  
6233 – 6539**

members please return to the Chamber immediately.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast. If all the members then the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Substitute House Bill 6689 as amended by House A.

Total Number Voting 131

Necessary for Adoption 66

Those voting aye 131

Those voting nay 0

Absent and not voting 19

DEPUTY SPEAKER SAYERS:

The bill as amended passes. Will the Clerk please call Calendar 521.

THE CLERK:

On page 49, Calendar 521, favorable report of the joint standing Committee on Approps., substitute House Bill 6699, AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. I move for the acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

the question is acceptance of the joint committee's favorable report and passage of the bill. Representative Fox, you have the floor, Sir.

REP. FOX (146th):

Thank you, Madam Speaker. This bill addresses -- well as the members are aware our court system has certain pretrial diversionary programs that are part of our criminal court system. And amongst the diversionary programs and the primary focus of this bill is the -- the -- what we do when individuals are arrested for primarily possession of drugs or drug paraphernalia.

The way it currently works is we have two programs. One is the drug education program. The other is the community service labor program. And it's somewhat of a confusing -- a confusing setup because there's -- the programs are not necessarily interchangeable and the use of one program could preclude another. And it has been a source from --

for lawyers that I've heard from as well as members of the committee during the course of public testimony that it would be better if we could try to simplify the process.

So what the -- what the bill does is it allows for -- it creates one program and the program is called the Pretrial Drug Education and Community Service Program. And what the program does is it allows individuals to use this program, a third time if there's good cause show to the court. And -- what it requires is a 15 week treatment program and then there will be community service -- an elevated level of community service for each time the program is used.

Five days of community service the first time, ten days the -- or excuse me, 15 days for the second time, 30 days if you happen to be a third time participant. Madam Speaker, the Clerk has a amendment, LCO number 7541. If that may be called and if I could be permitted to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call Amendment number 7541 and that shall be designated House Amendment Schedule A.

THE CLERK:

House Amendment Schedule A, LCO 7541 as  
introduced by Representative Fox.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize. Is there any objection to summarization? Is there any objection? Hearing none, Representative Fox, you may proceed with summarization.

REP. FOX (146th):

Thank you, Madam Speaker. What this amendment essentially does is it takes out the 15 percent of the fee that was in the underlying file copy of the bill that would have gone to the Judicial Department. And I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. I rise in support of the amendment but a question through you to the proponent of the amendment.

DEPUTY SPEAKER SAYERS:

Please frame your question, Ma'am.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Through you, Madam Speaker. Why is it that we are striking this from the underlying bill? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. Well the underlying bill did have a fiscal note. The amendment would remove the -- the fiscal impact. We did question the original fiscal note but what this does is it makes it clear that all the funds would go to DHMAS and Judicial Branch was willing to do so and it -- when -- when -- after the amendment is incorporated it will be something that we can now afford. So that's the reason.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And just again to clarify for the record. So with the adoption of this amendment there will be no underlying fiscal impact to the underlying bill. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. Yes.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Then let's pass the amendment. I stand in support of the amendment.

DEPUTY SPEAKER SAYERS:

Will you remark further? Will you remark further on the amendment that is before us? If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

Those opposed, nay. The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Will you remark further on the bill as amended? Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Now that we have a fiscally responsible bill before us I have a few questions to the proponent of the bill please.

DEPUTY SPEAKER SAYERS:

Please frame --

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Through you, Madam Speaker to the proponent of the bill as amended that's before us. Seeing that we're now combining two programs into one if the Gentleman could describe are we limiting the options of the ability for any particular user -- limiting their abilities to use these programs?

So in other words, how many times could an individual have used the community service program and how many times could the same individual have used the same individual have utilized the drug education program when they were separate? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. The way it worked is you can use the drug education program -- current -- under current law you can use the drug education program once. You can use the -- you can then if you're arrested a second time use the community

service labor program once.

You can then I believe use the community service labor program a third time. I believe you'd have to show good cause and then there also are situations with the community service labor program where you can use it but it requires a guilty plea.

So we are not I don't believe limiting the programs here but I think what we're doing and the -- I think the testimony that came out during the course of the public hearing as well as the discussions by the members of the committee is that we're making it clear becomes sometimes in court -- the other difference is the cost for the community service labor program is much less.

So sometimes individuals would choose to do that and in doing that they would unwittingly have precluded themselves from the option of the drug education program. So what we're -- the aim of this is to make it so that there's one program.

We're clear as to the number of times you can use it and you don't have to worry about whether you've chose -- chose one program that would have precluded you from another.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you. And through you, Madam Speaker. the bill that's before us and highlights three phrases of exercising the options of this combined program, does there still exist a separate community service program that after that let's say hypothetically speaking that the person uses this program for drug purposes.

Is there still a community service program that a person would be able to exercise if it was an offense for a nondrug related offense? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. The community service program that is in the bill would -- would have dealt with in addition to what I just described would have dealt with a conviction.

However there are community service elements of and opportunities in the criminal courts when individuals are charged with nondrug offenses that are sometimes used by prosecutors as a means of disposition. That -- that wouldn't change as a part

of this bill.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And this new combined program that we have in the underlying bill will this be a program offered for all judicial districts throughout the State of Connecticut to exercise?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP FOX (146th):

Thank you, Madam Speaker. Through you, yes it would.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. If the kind Representative wouldn't mind as I read this it almost seems that it is intensifying the penalty of having someone who would -- who has a drug abuse increase sessions for the first and second offense and so forth. If the kind Gentleman would mind just highlighting and confirming if that is the

case. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Through you. Yes, there were different options under the other program. Some would be ten sessions, some would be 15 sessions. In order to simplify and also to -- not only -- not only just to simplify and make it clear but also to improve treatment and -- and education on the dangers of drug use the program is a 15 session program.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I'd like to thank the Gentleman for his responses. I certainly to rise in support of the bill that's before us here today. And I think the fact that we have increased the sessions that someone who would be drug dependent would have to participate in is a very good thing. Unfortunately drug abuse is a reality in the State of Connecticut and throughout the nation.

And many times we do see repeat offenders and we also always hear that the programs or sessions time

wise is never long enough to make a positive impact. At least this is one step further in extending the sessions that are necessary that maybe during those sessions truly an analysis could be made of what the issues -- the underlying issues are and whether or not any additional treatment is necessary.

So it's certainly a very good thing in that regard. I also notice with this new combined program that in addition to having to participate in these sessions where normally if this was separated an individual may not be required necessarily to also do community service while they're also going through these sessions.

And what's being offered in this bill as a result of its effect being combined is these people as they're going through the drug education programs they're also may be required to do some community service. I think especially for our youth the ability to then do something positive to the community while they're struggling with this abuse might actually be a very positive reinforcement of connections and networking and being able to give back and have kind of a meaning in life.

Because there's many reasons why unfortunately a

lot of our youth and adults do become susceptible to drugs. So I think the community service component is a very good one in order to have here.

Through you, Madam Speaker, to the proponent of the bill. Are there any changes in the fees for these programs? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Yes, there is a -- a set fee of \$600 for the program which is an increase.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70<sup>th</sup>):

Thank you, Madam Speaker. And through you, Madam Speaker. And that was an increase. What was the original fee for the program when it was separated and if the Gentleman knows what the fee was for the individual programs? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. I just found it. It was -- the ten session program was \$350, the 15

session program was \$500 under the -- the previous set up.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. If an individual opts for this program, the court finds it fit to award the privilege to go through the program and the individual isn't able to afford the program fee what are the options afforded to the applicant? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. The -- an individual cannot be precluded from the participation in the program if they aren't able to pay. They cannot be precluded.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. If the Gentleman knows what would be the satisfactory evidence to show that the person wouldn't

be able to afford the file -- filing fee? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. It's generally a finding of indigency by the court and that would be done based upon a submission of income -- financial income.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. If an individual were to exercise or apply if they were found to be eligible, what is the criteria for a third application to such a program? Is -- would it be automatically based on the fact that the person applies for it or what is the standard? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. The individual would have to argue to the court that there's good cause

that they should get a third opportunity and the court would have to make a finding of good cause.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. If the Representative would be so kind as to highlight the first time that they apply what is the typical length of any given session for the first application to this type of program? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. The length of the session meaning the -- the time? Is it one hour, two hours? Is that the -- is that the question?

DEPUTY SPEAKER SAYERS:

Representative Rebimbas, if you would please reframe your question.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. My apologies to the Representative. I believe I wasn't clear. What is -- how many days are these sessions for the first time

applicant? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. That's -- that's -- because I wasn't exactly sure of the length of the individual sessions but there -- there would be 15 sessions for first time offenders. All -- each group would go through 15 sessions.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And in unfortunate circumstances if that same individual applied a second time to this type of program, how long would the sessions be in their second application? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. It would still be 15 however the community service component would be increased by ten additional days from five to 15.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. Unfortunately it may occur and the court has put a standard of good cause but if that same individual had to apply for a third time for this same program what then would be the sessions available for the third offense? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. At that point it could be based upon an evaluation which could potentially increase the number of sessions. It also would -- the second component would have 30 days of community service.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I'd like to thank the Representative for his responses in that regard. Are these sessions at each time of the application set or does any judge have any given discretion to make these sessions longer if needed? Through you, Madam

Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Through you, Madam Speaker. What I have seen with the -- with the underlying programs I would presume that it would continue is that sometimes people have gone through these courses whether it be drug education class or an alcohol education class and if they simply refuse to participate or so -- such a poor participant in the class they couldn't -- they can come back with a negative recommendation to the court in which case the court would say they failed to satisfactorily complete that component of the requirement.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. Many times with different charges we don't - - a person who's being charged with a criminal offense does not have the benefit of these type of diversionary programs. What is the purpose in this case to have this type of diversionary program for

law/gbr  
HOUSE OF REPRESENTATIVES

437  
May 23, 2013

someone who has this type of drug abuse? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Fox.

REP. FOX (146th):

Thank you, Madam Speaker. Through you. I mean for as long as I can recall the State of Connecticut has had a policy in especially with respect to individuals and their own individual drug use to favor treatment over incarceration or criminal penalties.

And what this would do is give these individuals an opportunity to take a course in -- to educate them of the dangers of drugs, to go through some community service which would also hopefully make them less likely to go through that type of circumstance again, allow them to become drug free and also to allow them to if successful in their use of the program to come out of it without a permanent criminal record.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I'd like to thank the Representative for his patience in responding to all the questions. I think this bill that's before us

is a very important one. And it does make some changes to a program and actually I believe it makes that program that much better. And it makes it that much better not because it's necessarily tougher as some would actually describe it might be tougher because there's additional sessions that need to be -- sessions in community service that the person who is going through the program would have to do.

But I say that that's probably in the persons' best interest because as the Representative had highlighted the reason for these diversionary programs is to see if we can really identify the issue here. And drug abuse is certainly a very devastating one and one that repeats itself.

So if we can try to address the underlying problem that these people are being arrested for and or committing other types of crimes, I think we're doing the right thing in that regard. So in order to make a program even better by combining this drug education program and the community service in my personal opinion it makes this underlying bill that much better. I do want to note for the record that this bill did pass unanimously in the Judiciary Committee.

I do know that there was some -- some votes against it in Appropriations. But as earlier articulated by the amendment that now is the underlying bill there is no fiscal note associated to it. So what we have done essentially, Madam Speaker, is make a program that existed that much better and we were able to do that without a fiscal impact.

So I do stand in support of the bill that's before us and that I ask that everyone also support it. And I'd like to once again thank Representative Fox for all of his responses.

DEPUTY SPEAKER SAYERS:

Will you remark? Will you remark further on the bill as amended? If not, will staff and guests please come to the well of the House. Will members please take your seats and the machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

Members to the Chamber immediately. The House of Representatives is voting by roll. Members to the Chamber please.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote

has been properly cast. If all the members have voted then the machine will be locked and the Clerk will take a tally. The Clerk will announce the tally.

THE CLERK:

Madam Speaker, substitute House Bill 6699 as amended by House Amendment A.

Total Number Voting	131
Necessary for Adoption	66
Those voting aye	131
Those voting nay	0
Absent and not voting	19

DEPUTY SPEAKER SAYERS:

The bill as amended passes. Will the Clerk please call Calendar number 241.

THE CLERK:

Yes, Madam Speaker. On page 43 of the Calendar, Calendar number 241, favorable report of the joint standing Committee on Appropriations, substitute for House Bill number 6362, AN ACT CONCERNING THE TRANSPARENCY AND ACCESSIBILITY OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

DEPUTY SPEAKER SAYERS:

Representative Jutila, you have the floor, Sir.

REP. JUTILA (37th):

**S - 665**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 14  
4130 - 4472**

Calendar page 29, Calendar 653, substitute for House Bill Number 6699. And, finally, Madam President, on Calendar page 31, Calendar 664, substitute for House Bill Number 6689.

I would like to add those items to our Consent Calendar and, and now call for a, I would ask the Clerk to list all of the items on the Consent Calendar and then proceed to a vote on that first Consent Calendar.

Thank you, Madam President.

THE CHAIR:

Thank you.

Mr. Clerk.

THE CLERK:

Today's first Consent Calendar, on page 5, Calendar 341, House Bill 6364; Calendar 343, House Bill 5425; Calendar 346, House Bill 6322; Calendar 347, House Bill 6547; and on page 6, Calendar 349, House Bill 5513; page 9, Calendar 450, Senate Bill 921; on page 13, Calendar 506, House Bill 6491; Calendar 515, House Bill 6235.

On page 14, Calendar 524, House Bill 6380; on page 16, Calendar 559, House Bill 6508; page 17, Calendar 563, House Bill 5617; Calendar 569, House Bill 6485; and on page 19, Calendar 588, House Bill 6549; on page 23, Calendar 614, House Bill 6587; Calendar 616, House Bill 6678; page 25, Calendar 629, House Bill 6662; on page 26, Calendar 633, House Bill 6576; and on page 27, Calendar 640, House Bill 6550; on page 28, Calendar 650, House Bill 6659.

And on Page 29, Calendar 653, House Bill 6699; Calendar 655, House Bill 6339; page 31, Calendar 664, House Bill 6689; Calendar 665, House Bill 6355; page 34, Calendar 201, Senate Bill 911; and on page 40, Calendar 514, House Bill 5725.

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the first Consent Calendar. And the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call in the Senate on the first Consent Calendar of the day.

THE CHAIR:

Yeah, thank you. Good. There we go.

If all members have voted, all members have voted, the machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the first Consent Calendar,

Total Number Voting 34

Necessary for Adoption 18

Those voting Yea 34

Those voting Nay 0

Those absent and not voting 2

THE CHAIR:

Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Madam President.

THE CHAIR:

Senator Looney.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 13  
4200 - 4477**

**2013**

some of the other websites as any indication, it's enormous.

The last decent study that I was able to find was conducted, it's called Commercialized Prostitution in New York City. It was commissioned by John D. Rockefeller in 1913. That was the last decent study I found.

SENATOR MCLACHLAN: Thank you again for being here. Thank you, Mr. Chairman.

REP. FOX: Thank you. Are there other questions or comments? No. Thank you for your testimonies.

RAYMOND BECHARD: Thank you for your time.

REP. FOX: Thanks for being here today. Next is Susan Storey.

A VOICE: Ow.

A VOICE: That's too bad.

REP. FOX: Good afternoon.

SUSAN STOREY: Good afternoon. Thank you for allowing me to come here to testify. Representative Fox and Members of the Judiciary Committee, I'm Susan Storey, chief public defender for the state of Connecticut. And with me is Senior Assistant Public Defender Michael Alvey, who is a member of our office at GA23 in New Haven.

HB6699

I'm going to be, we have submitted written testimony on a number of bills. The two that I'm going to be testifying on are Raised Bill 6698, grand jury reform, and 1165, which is AN ACT CONCERNING DIVERSIONARY PROGRAMS.

MICHAEL ALVEY: Thank you. Representative Smith, the current status, you're correct. You can use it one time, one time only. The proposal here to create a look-back for AR, which we feel particularly strong about, mirrors what is currently this, the law when it comes to the alcohol education program for DWI offenses.

So in that world, you are permitted to apply for a diversionary program for a DUI ten years after the completion of your first go-round with diversion for the DUI. We seek to duplicate that and make some consistency in the AR program. One of the things that we see quite often, more often than you would think, particularly in the GA's, are folks coming in who have used AR in their teens or early 20's who come back not just ten years later but even beyond that, 15, 20 years later.

I had a case of a woman in her 40's who had used AR when she was in her early 20's. So what this seeks to do is to give the court discretion to grant the program for good cause again down the road. And we've modeled the proposal, or this proposal is modeled on what is in place for alcohol education.

REP. SMITH: Thank you for that clarification.

REP. FOX: Are there other questions or comments? If I, did you have a question, Representative (inaudible)? I see your mike is still on. There's two bills on today regarding diversionary programs.

One is, it's under the title, I believe, of Community Service Labor Program or something along those lines, and there's one under the, AN ACT CONCERNING DIVERSIONARY PROGRAMS. I was wondering if you had comments on the other

HB6699

112  
cip/jf/gbr JUDICIARY COMMITTEE

April 15, 2013  
10:00 A.M.

bill, the Community Service Labor Program bill, which is House Bill, it's a house bill.

MICHAEL ALVEY: I think you're referring to 6699.

REP. FOX: Okay.

MICHAEL ALVEY: And we've submitted some written testimony on 1165, and we make a comment there that we are aware of 6699. And 6699 proposes to make some real structural changes in the drug diversion programs, DEP and CSLP. It was, came out of the Committee last year. I think it was 5555, and we had submitted testimony in support of that.

So each bill takes a different approach to dealing with the drug diversion statutes. But the consolidation of DEP and CSLP, which are kind of two distinct programs right now, the implementation in the courthouse can often be confusing, because use of one may preclude the other. Use of CSLP precludes DEP as currently enacted. So we did support that and continue in our written testimony on that bill as well to support that concept.

What we think there is room for is perhaps a merger or combination of some of the good ideas in both of these bills to bring some coherence to the DEP/CSLP issues as well as to address the issues of sealing of files, which is inconsistent across diversionary programs, look-back periods, which is inconsistent across diversionary programs, so there are good ideas in both. And I believe out of those two, one good bill could be a --

REP. FOX: And as far as the look-back provisions, alcohol education has a look-back currently. Is there anything else that has a look-back?

MICHAEL ALVEY: On the testimony we've submitted, there is a kind of a chart at the bottom of page two.

REP. FOX: Oh. Okay. All right. (Inaudible).

MICHAEL ALVEY: But there essentially is a look-back currently only in the alcohol education program of ten years. There are, in the pretrial supervised diversionary program, there is a provision that that can be used two times. So there are some provisions in some of the programs who are used more than one time. In the CSLP as currently enacted, there is a provision to use it a second time in a post-conviction setting.

REP. FOX: Okay. And, I mean, is the reason for the look-back, I mean, I've seen AR used for C-misdemeanors and, or C-felonies with good cause shown. I mean, sometimes it seems a waste of it if it's used for something that's extremely or would be perceived as being, you know, relatively minor, but, because the end result tends to be the same if you get accelerated rehabilitation. Is that part of the argument why you're seeking the look-back?

MICHAEL ALVEY: That's a very good point. There is a, unfortunately, a typical reaction of somebody who comes in a court the first time but then the rest is, we'll just use AR, just use AR. It's often used by folks who are not represented by counsel as an alternative way of resolving the case at the time. People are not aware of the implications of using that at an, at a, maybe a young age, or this is for first offenders, somebody who does not have experience in the criminal justice system.

So that is a very valid point that we do see the use of the AR early on for cases that it

may not have been, you know, prudent or useful to use at that particular time. That is another argument for, again, allowing the court discretion to consider granting it a second time ten years down the road.

REP. FOX: And with respect to the Drug Education Program, because I know there was some discussion, there was discussions between DMHAS and the Judicial Branch as far as a way to make this more understandable, because there are situations where, as I understand it, I believe drug education should be used first.

Then if you use that first, you then have the eligibility for the Community Service Labor Program in the future, whereas if you use Community Service Labor Program first, you may not have the opportunity to use drug education. And I may have just reversed that myself just now, but I think I got it right.

MICHAEL ALVEY: Right. You got it right.

REP. FOX: And, but I know that there are times where people, the fee for Community Service Labor is less, so sometimes people just based on, excuse me, based on the fee choose the program that's the cheapest without realizing that they're losing out on something that may happen, that may be necessary in the future.

And, I mean, I know I was supportive in the past of combining them into one program if that were possible. And I recognize there's different agencies that oversee the different programs, and that became somewhat of an issue. But it seems to me like it would make sense to have one program. I don't know.

MICHAEL ALVEY: First of all, you do have the chronology, correct --

REP. FOX: Right. Okay.

MICHAEL ALVEY: -- that you have to use the Drug Education Program first. I do recall that when Raised Bill 5555 came out last year, that I thought that it did represent a very sensible approach to taking these two different programs, which were both enacted at different times and had represented different things to people in terms of their requirements over the years and that that made sense to do, to bring them together to kind of seal the file, because in DEP the file is sealed as to the public, and file sealing is an important issue that I would like to address briefly.

But the new bill calls for sealing of the file in that one new program, in the case of that. It does provide two opportunities, so it mirrors the availability of the DEP and the CSLP. So, again, we have submitted testimony in support of that bill two years in a row, and because they have evolved differently, initially I think that community service was deemed sufficient for a minor possessory drug offense, and that legislation came first.

Later on, I think there was a sense that perhaps a drug education component was more appropriate for these type of offenses, and the Drug Education Program with that component was added. But the CSLP program was left untouched. So now we had two different programs. One involved an educational component, one did not. One was strictly community service.

So the requirements and the community service and educational requirements have changed over the years. That's why I think that this bill bringing them together into one program makes a

lot of sense. And the last thing I want to talk about briefly, if I may, is just talk about the sealing of files. You'll see in our testimony that some files are sealed, the DEP, others are not, AR, for example, as well as CSLP.

The sealing of the file means, these days, is that the access that the public has to the judicial branch website will either show the nature of the pending charges or not. In this file, case of a sealed file, you will see the cases pending with a continuance date. There will be a notation of the diversionary program that somebody is involved in. But you won't see the actual pending charges.

In an unsealed case, for example, when somebody's on AR for two years, you will see the charges as well as the next court date, their name, all of that. We're proposing that there be some consistency in that, that the exposure of the specific charges during the pendency of a diversionary program can have an adverse even negative impact on the defendant who is out at liberty with conditions from the court that may involve community service, restitution, drug treatment, or anger management.

But particularly when it comes to the issue of employment, having the charges available to the public on the Internet can be very damaging in someone's ability to obtain employment and to be successful in diversion.

So our view is that, to kind of be wholehearted about the diversionary process, if somebody has been found worthy by the court to get diversion, then let's be consistent across all the programs and seal the files as to the public.

It doesn't prohibit other parties within the system of obtaining information about the nature of those pending cases but to give an opportunity for people who've been deemed worthy by the court the best opportunity to successfully complete their requirements.

REP. FOX: Now at what point in the process would the file be sealed? Is it upon application, or is it upon granting in the programs?

MICHAEL ALVEY: No, generally, I believe that when the court takes the application, the file is ordered sealed as to the public at that time.

REP. FOX: That's what I always thought.

MICHAEL ALVEY: And from that time forward, even while eligibility is being determined, the file would be sealed as to the public --

REP. FOX: Okay.

MICHAEL ALVEY: -- and would be unsealed. If it's returned to court and the program is terminated for some reason for failure to comply, it is then unsealed.

REP. FOX: Okay. Are there any other questions?  
Representative Smith.

REP. SMITH: Thanks, Mr. Chairman, for the second time. I just want to echo your comments, because having these two different programs, the Community Service Labor Program and the educational component as well as separate programs, for the life of me I've looked at these over the years before I even came up here.

I'm like why do we have two? What's the difference? Which one should be use first? Does it really matter? I'm going through the same scenario that Chairman Fox went through. It's, it serves no purpose in my mind to have these two isolated programs. If we're concerned about having an educational component, which we are, then it should be combined with the community service.

Instead of just working a job for a couple weeks or ten days, whatever it may be, we should have some, in my mind, some background as to how we can help you get out of this mode that you were in. So I would hope that, you know, the Committee would consider combining the two programs and having one focus going forward as opposed to what seem to be diversive paths, if you will. All right? Thank you. Thank you, Mr. Chair.

REP. FOX: Thank you, Representative. Are there other questions or comments? No. Thank you very much for your testimony.

SUSAN STOREY: Thank you.

MICHAEL ALVEY: Thank you.

REP. FOX: I think next is Greg Benson. Okay. How about Moira Buckley?

MOIRA BUCKLEY: Good afternoon. My name is Moira Buckley, and I'm the president of the Connecticut Criminal Defense Lawyers Association. We submitted testimony on various bills. Hold on one moment, please. I apologize.

Good afternoon, Chairman Coleman and Fox. We submitted testimony on several bills, 6643, 6699, 6697, and 6701. I'll be testifying today

HB 6698

So it's so perplexing to me as to why they can't explain why. Why can't they abide by the standards that are set forth in the law? So I think our system does it well, and I'd be curious to see the other jurisdictions, the specific language of those bills in, or laws in the other jurisdictions that Attorney Boyle referred to as analogous to the amendments he proposes.

REP. FOX: Okay. On another bill, you heard there's a couple diversionary program bills. I don't know if you (inaudible).

(HB 6699)

MOIRA BUCKLEY: I, well, what I've, what I'm, oh, I know about them. Actually, there's another individual, and I don't know if you would ever be interested in allowing him to come up and testify on that. John Walkley, who is the president-elect --

REP. FOX: Yeah.

MOIRA BUCKLEY: -- (inaudible) just drove up from Southern Connecticut and is here to testify on the diversionary bill.

REP. FOX: Okay. Well, I mean, we, I'm sure, is he signed up, because we'll have to sign him up?

MOIRA BUCKLEY: He is signed up.

REP. FOX: Yeah. I know you --

MOIRA BUCKLEY: I'd be, I'm trying to get you (inaudible) --

REP. FOX: I know you're trying --

MOIRA BUCKLEY: -- (inaudible).

REP. FOX: -- and it's probably better if we -

MOIRA BUCKLEY: I'm cheating, absolutely.

REP. FOX: But I do have, and I, because there's one provision in there, which doesn't necessarily deal with diversionary programs, but it's something that some, I heard from some defense attorneys that might be either a problem or at least something that's happening, and that's the solicitation of clients.

MOIRA BUCKLEY: Oh, I, you know, I --

REP. FOX: Do you have any comments on that?

MOIRA BUCKLEY: I didn't touch it --

REP. FOX: Okay.

MOIRA BUCKLEY: -- to be honest with you. I read it very briefly, and I --

REP. FOX: You don't have to testify. I just thought I'd --

MOIRA BUCKLEY: I --

REP. FOX: -- take advantage of the fact that you're here, but if you don't (inaudible) --

MOIRA BUCKLEY: You know, I, I, well, I'm going to be honest, I don't like it. I mean, I don't like the idea that people do that.

REP. FOX: Mm-hmm.

MOIRA BUCKLEY: There may be plenty who do, and God bless them as long as they abide by, you know, the ethical constraints, but that's just not my style, and that's not something I would do. I know I represent an organization, but I really didn't put my feelers out to find out what

125  
cip/jf/gbr JUDICIARY COMMITTEE

April 15, 2013  
10:00 A.M.

others thought about it. And, frankly, you know, I stood down on that one, so --

REP. FOX: Okay.

MOIRA BUCKLEY: -- I apologize if I can't give you anything constructive.

REP. FOX: That's fine. No, that's okay. Thank you. Other questions for Attorney Buckley? I don't see, okay. Thank you.

MOIRA BUCKLEY: Thank you.

REP. FOX: All right. I see. Paul Knierim.

PAUL KNIERIM: Good afternoon, Representative Fox, Senator Coleman, Representative Rebimbas, Members of the Committee. I'm Paul Knierim. I serve as probate court administrator.

We have submitted written testimony on three bills, and I'd like to just touch briefly on two of those this afternoon, the three being 6694 CONCERNING INHERITANCE RIGHTS OF CHILDREN BORN AFTER DEATH OF A MARRIED PARENT, 1162 CONCERNING UNIFORM ACTS AND POWERS OF ATTORNEY, and 6684 CONCERNING THE ESTABLISHMENT OF INTAKE REFERRAL AND INTERVENTION SYSTEM FOR MENTAL HEALTH SERVICES. It's the first two that I wanted to concentrate on with you.

6694 is a raised bill based on a bill that was introduced by Representative Godfrey. What it deals with is an area that I don't believe Connecticut law currently addresses, namely the inheritance rights of a child who is born and conceived after the death of the parent who is the donor of the genetic material that gave rise to the conception, that is, either the sperm or the eggs.

**JOINT  
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**JUDICIARY  
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**2013**

PAGE 27  
LINE 10

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Connecticut Criminal Defense  
Lawyers Association  
P.O. Box 1766  
Waterbury, CT 07621  
(860) 283-5070 telephone/facsimile  
[www.ccdla.com](http://www.ccdla.com)

April 15, 2013

Hon. Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bill 1165

Dear Chairmen and Committee Members:

The Connecticut Criminal Defense Lawyers Association (CCDLA) is a statewide organization of over 300 licensed lawyers, in both the public and private sectors, dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA works to improve the criminal justice system by ensuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished. At the same time, CCDLA strives to improve and suggest changes to the laws and procedures that apply to criminal justice. By way of this testimony, CCDLA supports the passage of Raised Bill No. 1165 "An Act Concerning Diversionary Programs."

As this committee knows, there are numerous pretrial court programs offered to citizens of Connecticut who find themselves before the Court as first offenders. The legislature has had the vision to recognize in the past the importance of these programs and the importance of giving these offenders an opportunity to appear before the Court and complete the court proceedings without a conviction. Some of these programs permit a "look back" or second chance after the passage of time, but the programs are not consistent in that respect. Raised Bill 1165 corrects this and offers for other programs the sealing of the case file where sealing does not currently exist.

A "look back" provision already exists for the Pretrial Alcohol Education Program (AEP) and this bill intends to offer similar treatment to drug offenders and those charged with crimes not of a serious nature. The CCDLA supports the creation of a "look back" period to permit the use a second time of programs like Accelerated Rehabilitation (A/R), the Drug Education Program (DEP), and the Community Service Labor Program (CSLP). Look back for purposes of

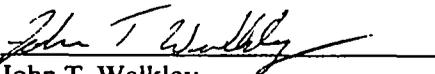
A/R is of particular importance. In my own practice these last thirty (30) years, I have represented countless clients who present themselves having committed a minor offense as an adult, but are not eligible to pursue a dismissal through A/R due to some other minor offense that occurred 10 or 20 years prior. Raised Bill 1165 would correct this, allowing a defendant who had used A/R previously to apply to the Court again 10 years after the prior dismissal. And the protections that this body would want to see in an instance of a second application are present, resting the granting of a new term of A/R solely upon the discretion of the Court. Other provisions in this Bill would permit similar treatment for the DEP and CSLP programs.

Further, this Bill would allow for the sealing of the court file upon an application for admission into any of the court diversionary programs. Currently, sealing applies only in instances of applications to the AEP, the DEP, and the Supervised Diversionary Program or what is commonly called Psych A/R. Again, sealing is extremely important for applicants admitted into the A/R program, but should be done for each of the court-sponsored programs. We should be consistent. In nearly every case where programs are used, the charges will ultimately be dismissed. We should protect the contents of these case files from the beginning of that process. While this may not be a panacea for all of the woes that befall offenders while their cases are pending, it may allow some to keep their jobs, to seek employment, and to fulfill other requirements placed upon them by the Court.

The CCDLA urges this Committee to favorably report on Raised Bill 1165.

Respectfully submitted,

CCDLA

By:   
John T. Walkley  
President-Elect



**Office of Chief Public Defender  
State of Connecticut**

30 TRINITY STREET, 4<sup>TH</sup> FLOOR  
HARTFORD, CONNECTICUT 06106  
TEL. (860)509-6429  
FAX (860)509-6499  
[susan.storey@jud.ct.gov](mailto:susan.storey@jud.ct.gov)

ATTORNEY SUSAN O. STOREY  
CHIEF PUBLIC DEFENDER

**TESTIMONY OF SUSAN O. STOREY, CHIEF PUBLIC DEFENDER  
Raised Bill No. 1165, An Act Concerning Diversionary Programs  
Judiciary Committee Public Hearing - April 15, 2013**

The Office of Chief Public Defender supports passage of Raised Bill No. 1165, An Act Concerning Diversionary Programs. This bill would make important changes to a number of the State's pretrial diversionary programs.

At the outset, it should be noted that the Office of Chief Public Defender has also submitted written testimony in support of another, related bill that appears on the Committee's agenda today. That bill, Raised Bill 6699, An Act Concerning Pretrial Diversionary Programs and Solicitation of Clients in Criminal Matters proposes a significant overhaul of the two diversionary programs associated with drug offenses.

As currently proposed, Raised Bill 1165 proposes to create consistency among the numerous pretrial diversionary programs currently in use in criminal courts across the state. Such changes include: (1) the waiver of diversionary program fees for indigent defendants represented by a public defender attorney, (2) precludes the imposition of community service in lieu of fee payments (3) the sealing, as to the public, of the court file for any case once the diversionary program application had been made to the court and (4) the creation of a "look back" period that would allow a person to seek participation in a diversionary program a second time, once a specified time period had passed.

With respect to the issues raised by this bill the Office of Chief Public Defender believes that all court files should be "sealed as to the public" once a defendant makes an application for a diversionary program in open court. As shown in the chart below, such provisions are currently in place only for the Drug Education Program (DEP), Alcohol Education Program (AEP) and Supervised Diversionary Programs (SDP). In these cases, the existence of the pending case is still ascertainable to the public on the Judicial Branch web site but the specific charges pending are not displayed. In an unsealed case, the general public has access to the specific charges pending and the name of the diversionary program being utilized. In both sealed and unsealed cases the defendant's name, year of birth and next court date are displayed.

While the Office of Chief Public Defender believes that all cases diverted by the court through these programs should be sealed as to the public, we also believe that any public access to information related to these pending cases should also not be accessible. The ability of the public to access this case information, particularly where the cases may be continued for up to 2 years, often has a significant negative impact on defendants who have been found by the court to merit diversionary



**STATE OF CONNECTICUT**  
**DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES**  
*A Healthcare Service Agency*

DANNEL P. MALLOY  
 GOVERNOR

PATRICIA A. REHMER, MSN  
 COMMISSIONER

**Testimony of Patricia A. Rehmer, MSN, Commissioner**  
**Department of Mental Health & Addiction Services**  
**Before the Judiciary Committee**  
**April 15, 2013**

Good morning, Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. I am Patricia Rehmer, Commissioner of the Department of Mental Health and Addiction Services (DMHAS), and I am commenting on three bills that are before you today. HB 6684 An Act Concerning the Establishment of an Intake, Referral and Intervention System Relating to the Provision and Delivery of Mental Health Services, S.B. 1165 An Act Concerning Diversionary Programs, and H.B. 6699 An Act Concerning Pretrial Diversionary Programs and Solicitation of Clients in Criminal Matters. While there are positive policy implications for all three of the bills before you, we have some concerns regarding the fiscal and operational issues they present.

HB 6684 would direct DMHAS to implement a number of programs that we currently operate in some fashion within our existing budget constraints. The programs outlined in this bill are all recovery oriented and they afford individuals positive interactions with the mental health system. They build on our understanding that the relationship between the caregiver and the individual in treatment is a collaborative one that is founded on mutual and thoughtful respect. It is our belief however, that we currently have the authority to operate these programs without legislation and have a solid track record of doing so.

We have implemented and evaluated a Housing First Program in New Haven and Hartford with very positive outcomes and will continue to implement this program within available appropriations. We have peer support programs and have hired recovery specialists within our state operated and private not for profit service system and we continue to focus on increasing individuals in recovery as a critical component of our workforce. We fund the CT Legal Rights Project; one of the advocacy organizations that works with individuals served in our system to develop advance directives. We fund the Guardian Ad Litem project to work with individuals served in the Probate Courts in our service system in several areas of the state and currently plan to expand the program statewide due to the passage of SB 1160. Of course we could always do more and would welcome the opportunity to do so but it is very difficult to expand and develop new programs in these difficult fiscal times. We are very appreciative of the new dollars in SB 1160 and believe that they will begin to assist us in reaching people who are reluctant to enter the system due to the stigma and discrimination associated with mental illness. For the reasons stated above, the department does not support HB 6648.

SB 1165 and HB 6699 both touch upon the current Pretrial Drug Education Program (PDEP) as well as the Pretrial Account which pays for these diversionary programs as well

as providing funding to the Regional Action Councils and the Governor's Prevention Partnership.

HB 1165 would not alter the operation or the budget of the Pretrial DEP. Section 5 of the bill expands eligibility for the Pretrial Drug Education Program from only using it once to 1) using it more than once if in a prior use the charges were dismissed more than 10 years prior to the current application for the program and 2) allowing it to be used if the defendant already used the Pretrial Community Service Labor Program (currently anyone who used CSLP can't use the Pretrial Drug Education Program at a later time). These changes have been the topic of discussions between DMHAS and the Judicial Branch as it resolves the disparity for repeat violators. We support this change and are pleased that it will have no fiscal impact on the Pretrial Account.

HB 6699 on the other hand does alter the operation of the Pretrial Drug Education Program which would create a significant budget deficit in the Pretrial Account. HB 6699 requires the more expensive of two interventions and expands eligibility for PDEP to persons charged with violation of CGS 21a-279a (illegal possession of small amounts of cannabis-type substances). Expanding the program to include first, second, and third time violators of CGS 21a-279a would create the need for additional funds to pay for the cost of services.

The PDEP is funded by court fees paid by participants and transferred to the Pretrial Account from which DMHAS pays expenses. The surpluses in that account due to fees from our Pretrial Alcohol Education have dried up and as a result the surpluses that supplemented the costs to the Pretrial Drug Education Program are no longer available.

Given the fiscal climate, and the issues we are facing with the funding of the Pretrial Account, we would respectfully ask that you move forward on SB1165 but hold off on the changes suggested in HB 6699 until additional dollars can be allocated to these programs.

We thank you for your time and attention to these matters.

PAGE 15  
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Waterbury, CT 07621  
(860) 283-5070 telephone/facsimile  
[www.ccdla.com](http://www.ccdla.com)

April 15, 2013

Hon. Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bill 6699

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports sections 1 and 3 of Raised Bill 6699, AN ACT CONCERNING PRETRIAL DIVERSIONARY PROGRAMS AND SOLICITATION OF CLIENTS IN CRIMINAL MATTERS.

Section 1 revises the pretrial drug education program by redesignating the program as a pretrial drug education and community service program and revising eligibility and participation requirements for the program, enabling individuals who have used the program once previously, to use it again if otherwise eligible, and if they have used it twice previously, if good cause is

shown and they are otherwise eligible. CCDLA supports these revisions because it is well known that a high percentage of individuals arrested for drug offenses are drug dependent and likely to relapse after treatment. Giving individuals charged with such offenses another chance at this important diversionary program demonstrates a realistic understanding of the offender's addiction issues, and a realistic and constructive approach to addressing those issues so that they do not reoffend in the future.

Section 3 revises the eligibility criteria for accelerated rehabilitation, enabling an individual charged with statutory rape who is less than four years older than the "victim" to be eligible for accelerated rehabilitation. This amendment contemplates a consensual scenario where the "victim" is between 13 and 16 years old, and the charged party is more than 3 but less than 4 years older. The amendment provides that the actor, in the proper circumstances, has access to the accelerated rehabilitation program. I have represented individuals charged with this offense who, in an effort to avoid the risk of the mandatory minimum jail sentence, plead out to a lesser offense. They are stigmatized with a record that will haunt them for the rest of their lives based on consensual conduct while they are teenagers. Section 3 provides an appropriate solution to this problem.

Please contact me if you have any questions regarding our position on this bill. Thank you.

Sincerely,



Moira L. Buckley  
President - CCDLA  
(860) 724-1325



**State of Connecticut**  
**DIVISION OF PUBLIC DEFENDER SERVICES**

**OFFICE OF CHIEF PUBLIC DEFENDER**  
30 TRINITY STREET - 4<sup>th</sup> Floor  
HARTFORD, CONNECTICUT 06106  
(860) 509-6495 Fax  
(860) 509-6405 Telephone

**MICHAEL ALEVY**  
SENIOR ASSISTANT PUBLIC DEFENDER  
[michael.alevy@jud.ct.gov](mailto:michael.alevy@jud.ct.gov)

**Testimony of Michael Alevy, Senior Assistant Public Defender**  
**Office of Chief Public Defender**

**Raised Bill No. 6699, An Act Concerning Diversionary Programs and**  
**Solicitation of Clients in Criminal Matters**

**Judiciary Committee Public Hearing**  
**April 15, 2013**

The Office of Chief Public Defender supports passage of *Raised Bill No. 6699, An Act Concerning Diversionary Programs and Solicitation of Clients in Criminal Matters* and the needed changes it makes to certain diversionary programs. During the 2012 legislative session this Office testified in support of *Raised Bill 5555, An Act Concerning Diversionary Programs*, which proposed similar changes to the drug diversion statutes

The most significant changes are those proposed in section 1 of the bill which modify *C.G.S. §54-56i, Pre-Trial Drug Education Program, (DEP)*. The DEP was created in 1997 to provide a diversionary opportunity for persons charged with minor marijuana and drug paraphernalia possession offenses. When enacted, the DEP consisted of both a drug education component and a community service requirement. At the time of its creation, another diversionary program, applicable to minor possessory drug crimes –the *Community Service Labor Program C.G.S. §53a-39c, (CSLP)*, was already in existence and in wide use. The CSLP was created in 1990, and in its initial form, required only that a defendant complete a period of community service for a favorable disposition to their case. It did not include an educational or drug treatment component. Under both programs, successful completion of the particular requirements led to the same result - a dismissal, in most cases, of charges against a first time drug offender.

Over the years the co-existence of these two similar but distinct programs have, to a large extent, created a duplicative diversionary scheme for those charged with minor possessory drug offenses. Eligibility criteria for each program have varied over the years. At one time use of one program precluded the use of the other. Currently, the DEP can be used only one time but must be used prior to the CSLP. The CSLP may be used twice but in only one case will lead to a dismissal of the charges. Other components of each program have also been altered over time, for example, the amount of community service required and the length and type of the

educational and treatment components. The ongoing revisions have resulted in, among other things, confusion regarding the timing and proper use of each program. In some cases individuals have found themselves, inappropriately so, ineligible for one program or the other as a result.

The current bill creates a single, more coherent diversionary scheme for persons accused of possessory drug offenses. The restructured program created by this bill clarifies both eligibility and program requirements. The educational, treatment and community service requirements are appropriately graduated and are structured in accordance with eligibility determinations made by CSSD and the treatment recommendations made by the Department of Mental Health and Addiction Services as a result of their evaluations. For these reasons the Office of Chief Public Defender supports the proposed changes.

Another important aspect of this bill is the expansion of mediation programs to each geographical area court. This Office's experience with such programs demonstrates that mediation of minor criminal cases is beneficial, not only to the defendants and the dispositions of their cases but also to the criminal justice system in general. While in all cases the state's attorney retains the ultimate discretion regarding how to proceed in any particular matter, mediation programs can help divert appropriate cases from the regular docket preserving valuable court resources for adjudication of major crimes. It is also clear that participants who engage in the process are exposed to an alternative dispute resolution process that may benefit them in other settings in the future.

For the foregoing reasons the Office of Chief Public Defender urges the Committee to vote favorably on Raised Bill 6699