



General Assembly

January Session, 2025

Raised Bill No. 1505

LCO No. 6201



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT ALLOWING COURT DISCRETION TO ADD A FAMILY VIOLENCE COMPONENT TO THE PRETRIAL SUPERVISED DIVERSIONARY PROGRAM FOR PERSONS WITH PSYCHIATRIC DISABILITIES.

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

1 Section 1. Section 54-56l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2025*):

3 (a) There shall be a supervised diversionary program for persons
4 with psychiatric disabilities, or persons who are veterans, who are
5 accused of a crime or crimes or a motor vehicle violation or violations
6 for which a sentence to a term of imprisonment may be imposed, which
7 crimes or violations are not of a serious nature. For the purposes of this
8 section, (1) "psychiatric disability" means a mental or emotional
9 condition, other than solely substance abuse, that (A) has substantial
10 adverse effects on the defendant's ability to function, and (B) requires
11 care and treatment, and (2) "veteran" means a veteran, as defined in
12 section 27-103, who is found, pursuant to subsection (d) of this section,
13 to have a mental health condition that is amenable to treatment.

14 (b) A person shall be ineligible to participate in such supervised
15 diversionary program if such person (1) is ineligible to participate in the
16 pretrial program for accelerated rehabilitation under subsection (c) of
17 section 54-56e, except if a person's ineligibility is based on the person's
18 being eligible for the pretrial family violence education program
19 established under section 46b-38c, the court may permit such person to
20 participate in the supervised diversionary program if it finds that the
21 supervised diversionary program is the more appropriate program
22 under the circumstances of the case, or (2) has twice previously
23 participated in such supervised diversionary program.

24 (c) Upon application by any such person for participation in such
25 program, the court shall, but only as to the public, order the court file
26 sealed, provided such person states under oath, in open court or before
27 any person designated by the clerk and duly authorized to administer
28 oaths, under penalties of perjury, that such person has not had such
29 program invoked in such person's behalf more than once. Court
30 personnel shall provide notice, on a form prescribed by the Office of the
31 Chief Court Administrator, to any victim of such crime or motor vehicle
32 violation, by registered or certified mail, that such person has applied to
33 participate in the program and that such victim has an opportunity to
34 be heard by the court on the matter.

35 (d) The court shall refer such person to the Court Support Services
36 Division for confirmation of eligibility and assessment of the person's
37 mental health condition. The prosecuting attorney shall provide the
38 division with a copy of the police report in the case to assist the division
39 in its assessment. The division shall determine if the person is amenable
40 to treatment and if appropriate community supervision, treatment and
41 services are available. In addition, if the person is accused of a family
42 violence crime, as defined in section 46b-38a, the division shall
43 determine if the person has the capacity to participate in domestic
44 violence treatment either in concurrence with or following the
45 completion of mental health treatment, and for good cause shown, add
46 a domestic violence component to the treatment plan that comports

47 with the domestic violence program standards established pursuant to
48 section 46b-38m. If the division determines that stabilizing the person
49 and treating an underlying mental health condition is first required,
50 then a domestic violence component to the treatment plan that comports
51 with the domestic violence program standards established pursuant to
52 section 46b-38m shall be considered as a secondary treatment for the
53 person. If the division determines that the person is amenable to
54 treatment and that appropriate community supervision, treatment and
55 services are available, the division shall develop a treatment plan
56 tailored to the person and shall present the treatment plan to the court.

57 (e) Upon confirmation of eligibility and consideration of the
58 treatment plan presented by the Court Support Services Division, the
59 court may grant the application for participation in the program. If the
60 court grants the application, such person shall be referred to the
61 division. The division may collaborate with the Department of Mental
62 Health and Addiction Services, the Department of Veterans Affairs or
63 the United States Department of Veterans Affairs, as applicable, to place
64 such person in a program that provides appropriate community
65 supervision, treatment and services. The person shall be subject to the
66 supervision of a probation officer who has a reduced caseload and
67 specialized training in working with persons with psychiatric
68 disabilities.

69 (f) The Court Support Services Division shall establish policies and
70 procedures to require division employees to notify any victim of the
71 person admitted to the program of any conditions ordered by the court
72 that directly affect the victim and of such person's scheduled court
73 appearances with respect to the case.

74 (g) Any person who enters the program shall agree: (1) To the tolling
75 of the statute of limitations with respect to such crime or violation; (2)
76 to a waiver of such person's right to a speedy trial; and (3) to any
77 conditions that may be established by the division concerning
78 participation in the supervised diversionary program including

79 conditions concerning participation in meetings or sessions of the
80 program.

81 (h) If the Court Support Services Division informs the court that such
82 person is ineligible for the program and the court makes a determination
83 of ineligibility or if the division certifies to the court that such person
84 did not successfully complete the assigned program, the court shall
85 order the court file to be unsealed, enter a plea of not guilty for such
86 person and immediately place the case on the trial list.

87 (i) If such person satisfactorily completes the assigned program, such
88 person may apply for dismissal of the charges against such person and
89 the court, on reviewing the record of such person's participation in such
90 program submitted by the Court Support Services Division and on
91 finding such satisfactory completion, shall dismiss the charges. If such
92 person does not apply for dismissal of the charges against such person
93 after satisfactorily completing the assigned program, the court, upon
94 receipt of the record of such person's participation in such program
95 submitted by the Court Support Services Division, may on its own
96 motion make a finding of such satisfactory completion and dismiss the
97 charges. Except as provided in subsection (j) of this section, upon
98 dismissal, all records of such charges shall be erased pursuant to section
99 54-142a. An order of the court denying a motion to dismiss the charges
100 against a person who has completed such person's period of probation
101 or supervision or terminating the participation of a person in such
102 program shall be a final judgment for purposes of appeal.

103 (j) The Court Support Services Division shall develop and maintain a
104 database of information concerning persons admitted to the supervised
105 diversionary program that shall be available to the state police and
106 organized local police departments for use by sworn police officers
107 when responding to incidents involving such persons. Such information
108 shall include the person's name, date of birth, Social Security number,
109 the violation or violations with which the person was charged, the dates
110 of program participation and whether a deadly weapon or dangerous

111 instrument was involved in the violation or violations for which the
112 program was granted. The division shall enter such information in the
113 database upon such person's entry into the program, update such
114 information as necessary and retain such information for a period of five
115 years after the date of such person's entry into the program.

116 (k) The Court Support Services Division, in consultation with the
117 Department of Mental Health and Addiction Services, shall develop
118 standards and oversee appropriate treatment programs to meet the
119 requirements of this section and may contract with service providers to
120 provide such programs.

121 (l) The Court Support Services Division shall retain the police report
122 provided to it by the prosecuting attorney and the record of supervision
123 including the dates of supervision and shall provide such information
124 to the court, prosecuting attorney and defense counsel whenever a court
125 is considering whether to grant an application by such person for
126 participation in the supervised diversionary program for a second time.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2025</i>	54-56l
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Statement of Purpose:

To require the Court Support Services Division to determine if a person has the capacity to participate in domestic violence treatment either in concurrence with or following the completion of mental health treatment in cases involving a family violence crime.

[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.]