



General Assembly

## ***Substitute Bill No. 1505***

*January Session, 2025*



### ***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 Section 54-56l of the general statutes is repealed and the  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 addresses the  
47 major tenets of the domestic violence offender program standards  
48 established pursuant to section 46b-38m. If the division determines that  
49 stabilizing the person and treating an underlying mental health  
50 condition is first required, then a domestic violence component to the

51 treatment plan that addresses the major tenets of the domestic violence  
52 offender program standards established pursuant to section 46b-38m  
53 shall be considered as a secondary treatment for the person. If the  
54 division determines that the person is amenable to treatment and that  
55 appropriate community supervision, treatment and services are  
56 available, the division shall develop a treatment plan tailored to the  
57 person and shall present the treatment plan to the court.

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

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

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

82 (h) If the Court Support Services Division informs the court that such

83 person is ineligible for the program and the court makes a determination  
84 of ineligibility or if the division certifies to the court that such person  
85 did not successfully complete the assigned program, the court shall  
86 order the court file to be unsealed, enter a plea of not guilty for such  
87 person and immediately place the case on the trial list.

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

104 (j) The Court Support Services Division shall develop and maintain a  
105 database of information concerning persons admitted to the supervised  
106 diversionary program that shall be available to the state police and  
107 organized local police departments for use by sworn police officers  
108 when responding to incidents involving such persons. Such information  
109 shall include the person's name, date of birth, Social Security number,  
110 the violation or violations with which the person was charged, the dates  
111 of program participation and whether a deadly weapon or dangerous  
112 instrument was involved in the violation or violations for which the  
113 program was granted. The division shall enter such information in the  
114 database upon such person's entry into the program, update such  
115 information as necessary and retain such information for a period of five  
116 years after the date of such person's entry into the program.

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2025	54-56l

**JUD**      *Joint Favorable Subst.*