



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 Section 54-56l of the general statutes is repealed and the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.*

APP *Joint Favorable*