

---

## OLR Bill Analysis

### sSB 1505

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

#### **SUMMARY**

This bill adds a domestic violence treatment component for certain participants in the pretrial supervised diversionary program (see BACKGROUND) for persons with psychiatric disabilities, or veterans with mental health conditions, who are accused of certain non-serious crimes or violations.

Specifically, in cases involving family violence crimes, the bill requires the judicial branch's Court Support Services Division (CSSD) to (1) determine if the person has the capacity to participate in domestic violence treatment either in concurrence with or after completing mental health treatment and (2) for good cause shown, add a domestic violence component to the treatment plan that addresses the major tenets of the existing domestic violence program standards developed by the Domestic Violence Criminal Justice Response and Enhancement Advisory Council.

Under the bill, the domestic violence component must be considered the person's secondary treatment if CSSD determines that stabilizing the person and treating an underlying mental health condition must happen first.

EFFECTIVE DATE: October 1, 2025

#### **BACKGROUND**

##### ***Family Violence Crimes***

By law, a "family violence crime" is a crime, but not a delinquent act, which, in addition to its other elements, contains as an element an act of

family violence to a family or household member, including (1) 1st and 2nd degree violation of conditions of release and (2) criminal violation of a protective order, a standing criminal protective order, or a restraining order. It does not include acts by parents or guardians disciplining minor children unless they constitute abuse (CGS § 46b-38a(3)).

“Family violence” is an incident resulting in physical harm, bodily injury, or assault, or an act of threatened violence that creates fear of imminent physical harm, bodily injury, or assault, including stalking or a pattern of threatening, between family or household members. Verbal abuse or argument is not family violence unless there is present danger and the likelihood that physical violence will occur (CGS § 46b-38a(1)).

### ***Supervised Diversionary Program***

By law, the Supervised Diversionary Program is for certain defendants who have psychiatric disabilities, or who are veterans with a mental health condition, who are accused of a crime or motor vehicle violation that is not of a serious nature, but for which the person may be sentenced to prison.

Under the program, a “psychiatric disability” is a mental or emotional condition, other than substance abuse, that has a major negative impact on a defendant’s ability to function and requires care and treatment. A “veteran” is any person who was discharged or released under conditions that were not dishonorable from active service in the armed forces. Defendants who want to take part in the program must meet specific eligibility criteria.

The court sends the defendant to CSSD for an assessment before it decides if the defendant will be allowed to take part in the program. During the assessment, CSSD determines the kind of treatment and services the defendant needs and which community supervision, treatment, and services the defendant should get. CSSD then recommends a treatment plan to the court or tells the court whether the defendant should be allowed to take part in the program.

Participation in the program gives the defendant a chance to get treatment instead of going to trial and if the defendant finishes the program successfully, the court dismisses the charges.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea     41     Nay   0     (04/07/2025)