

AN ACT CONCERNING PRETRIAL SUPERVISED DIVERSIONARY PROGRAM

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

Section 1. Section 54-56l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(a) There shall be a supervised diversionary program for persons with psychiatric disabilities, persons with intellectual disabilities, persons with autism spectrum disorders or persons who are veterans, who are accused of a crime or crimes or a motor vehicle violation or violations for which a sentence to a term of imprisonment may be imposed, which crimes or violations are not of a serious nature. For the purposes of this section, (1) “psychiatric disability” means a mental or emotional condition, other than solely substance abuse, that (A) has substantial adverse effects on the defendant's ability to function, and (B) requires care and treatment, (2) “veteran” means a veteran, as defined in section 27-103, who is found, pursuant to subsection (d) of this section, to have a mental health condition that is amenable to treatment, (3) “intellectual disability” has the meaning provided in section 1-1g, and (4) “autism spectrum disorder” means autism spectrum disorder, as defined in section 17a-215f.

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

(c) Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, provided such person states under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury, that such person has not had such program invoked in such person's behalf more than once. Court personnel shall provide notice, on a form prescribed by the Office of the Chief Court Administrator, to any victim of such crime or motor vehicle violation, by registered

or certified mail, that such person has applied to participate in the program and that such victim has an opportunity to be heard by the court on the matter.

(d) The court shall refer such person to the Court Support Services Division for confirmation of eligibility and assessment of the person's mental health condition, intellectual disability, or autism spectrum disorder. The prosecuting attorney shall provide the division with a copy of the police report in the case to assist the division in its assessment. The division shall determine if the person is amenable to treatment and if appropriate community supervision, treatment and services are available. If such assessment is for an intellectual disability or autism spectrum disorder, the Department of Developmental Services, the Department of Social Services or the Department of Mental Health and Addictions Services shall assist the division in conducting such assessment and identifying appropriate treatment and services. If the division determines that the person is amenable to treatment and that appropriate community supervision, treatment and services are available, the division shall develop a treatment plan tailored to the person and shall present the treatment plan to the court.

(e) Upon confirmation of eligibility and consideration of the treatment plan presented by the Court Support Services Division, the court may grant the application for participation in the program. If the court grants the application, such person shall be referred to the division. ~~The division may collaborate with the Department of Mental Health and Addiction Services, the Department of Veterans Affairs or the United States Department of Veterans Affairs, the Department of Social Services, or the Department of Developmental Services as applicable, to place such person in a program that provides appropriate community supervision, treatment and services.~~ The person shall be subject to the supervision of a probation officer who has a reduced caseload and specialized training in working with persons with psychiatric disabilities, intellectual disabilities, and autism spectrum disorders.

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

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

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

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

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

(k) The Court Support Services Division may consult with the Department of Mental Health and Addiction Services, the Department of Social Services, the Department of Veterans Affairs or the United States Department of Veterans Affairs, and the Department of Developmental Services ~~shall~~ to develop standards and oversee appropriate treatment programs to meet the requirements of this section and may contract with service providers to provide such programs.

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