



STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT

TESTIMONY BEFORE THE JUDICIARY COMMITTEE

March 20, 2006

Robert L. Genuario

Secretary

Office of Policy and Management

Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee, thank you for this opportunity to provide testimony on several bills pending before you today. My name is Susan Hamilton, Under Secretary of Legislative Affairs, at the Office of Policy and Management. Secretary Genuario regrets that he is unable to be here today and has asked that I provide this testimony on his behalf.

SB 55 – AAC Identity Theft

The Office of Policy and Management (OPM) supports HB 55, AAC Identity Theft. This is a Governor's bill aimed at combating the serious crime of identity theft. This bill incorporates the recommendations made by the Governor's Identity Theft Advisory Board, established by Executive Order 11 for the purpose of identifying a comprehensive strategy to address this issue.

The bill clarifies and appropriately broadens the definition of identity theft to include situations where a person *knowingly uses* personal identifying information of another person without consent to obtain or attempt to obtain money, credit, goods, services, property or medical information in that person's name, regardless of whether or not the identifying information was *obtained* with authorization. In addition, the bill increases criminal impersonation from a class B to a class A misdemeanor and requires the court to issue such orders as are necessary to correct a public record that contains false information as a result of identity theft and other related crimes.

The bill also adds a requirement that all property derived from the proceeds obtained, directly or indirectly, from identity theft be subject to forfeiture to the state and that any person found guilty of identity theft must make restitution for the full amount of financial loss suffered by the victim. Finally, the bill criminalizes the facilitation of identity theft, the possession of identity theft paraphernalia and personal identification fraud and makes all such crimes class A misdemeanors.

I respectfully request your favorable consideration of this bill, which would be a critical step towards addressing the devastating crime of identity theft and providing necessary victim support.

SB 56 – AAC the Registration of Sexual Offenders

The Office of Policy and Management also requests your support of SB 56 – An Act Concerning the Registration of Sexual Offenders. This is a Governor's bill which proposes major changes to penalties and supervision of sexual offenders upon their release and supports the Governor's commitment to protecting children and preventing crimes by sexual predators.

The Governor is calling for minimum mandatory sentencing of 25 years for offenders convicted of specific sex crimes against children 13 and younger. It severely strengthens the mandatory minimum length of incarceration to 25 years for such crimes as Sexual Assault in the Second Degree where the current mandatory minimum is only 9 months. It also increases Sexual Assault in the First Degree where the victim is less than 13 years old from 10 years and adds such crimes as Sexual Assault in the Third Degree where the victim is less than 13 years old, promoting prostitution, obscenity to a minor and enticing a minor where no mandatory minimum sentences currently exist.

The Governor also intended to require lifetime tracking by Global Positioning Satellite (GPS) monitoring and mandatory lifetime registration for those offenders convicted of the most serious sexual crimes. Accordingly, we would propose that the term "lifetime" be added in line 1216 prior to the phrase "electronic monitoring" to clarify the scope of this requirement. This bill would also authorize parole and probation officials to order GPS monitoring for sexual offenders they supervise who are convicted of lesser sex crimes if they have determined them to be of higher risk.

The bill would also require offenders to register with the Department of Public Safety's Sex Offender Registry prior to being released from prison and to maintain registration as a condition to parole or probation. This is current practice by the Department of Correction, but it has not been codified into statute. The bill also requires convicted sex offenders from other states to register in Connecticut 48 hours prior to their arrival or face a felony charge if they fail to do so.

The bill also creates a separate criminal violation for offenders who fail to verify address changes or report name changes as required that could result in additional penalties including lifetime registration, GPS monitoring or other restrictions. Tougher penalties are proposed for anyone convicted of knowingly harboring a sex offender who has failed to register with the Department of Public Safety. And, more specific information, including description of the offense and age and sex of any victim of the offense, will be included on the state's sex offender website.

I would again urge you to support this important bill.

HB 5029 - An Act Concerning Methamphetamines.

The Office of Policy and Management also requests your support of HB 5029, An Act Concerning Methamphetamines. This is also a Governor's bill aimed at combating the possession, use and manufacturing of methamphetamine. Methamphetamine, a derivative of amphetamine, is a powerful stimulant that affects the central nervous system. Side effects include convulsions, dangerously high body temperature, stroke, cardiac arrhythmia, stomach cramps, and shaking. This bill will strengthen Connecticut's effort in mitigating the increase in methamphetamine use or production. The legislation as currently written designates pseudoephedrine and ephedrine as schedule V controlled substances. These substances are used in the manufacturing process of methamphetamine and can be extracted from many over-the-counter products, including commonly-used cold products. In effect, designating these substances as schedule V controlled substances would prohibit them from being sold without a prescription.

While this would provide the strictest level of control, we would also support the alternative approach proposed in **RB 5476, AA Controlling the Sale of Methamphetamine**. That bill would require that any person selling these drugs: (1) store them in a location inaccessible to consumers, and (2) require consumers to request and purchase these products at the counter. This would provide for greater oversight and protection while not unduly limiting the public's access to these drugs for legitimate purposes. However, if the committee amends HB 5029 to adopt this approach, we would also suggest that additional safeguards be added to limit sales to a maximum of 9 grams of these substances as active ingredients per sale.

This bill also raises the penalties for the manufacture or distribution of methamphetamine and methamphetamine-type substances as follows:

- ❖ First offense: Up to 15 years in prison and/or a fine of up to \$50,000
- ❖ Second offense: Up to 30 years and/or up to \$100,000 fine
- ❖ Subsequent offense: Up to 30 years and/or up to \$250,000 fine

In addition, the bill adds penalties for possession of drug paraphernalia in a drug factory situation and for delivering, possessing with intent or manufacturing with the intent to deliver drug paraphernalia. The proposed changes will move us forward in the fight against methamphetamine.

The bill also authorizes the courts to require convicted defendants to pay for clean-up costs associated with methamphetamines. In doing so, the bill creates a separate nonlapsing Methamphetamine Laboratory Cleanup Account within the General Fund, whereby the Commissioner of Environmental Protection will have the authority to authorize expenditures from the account to reimburse state or municipal agencies for costs associated with clean-up.

Again, I respectfully request the Committee support this bill.

HB 5821 AAC Behavioral Health and Substance Abuse Services that are Gender Specific and Trauma-Informed.

Lastly, OPM has a number of concerns with this bill as currently drafted. First, Section 1 appears to require that *all* behavioral health or substance abuse services provided by the state, or by a public or private health care provider under contract with the state, be gender specific and trauma-informed. While there are clearly programs that ought to be gender specific and trauma-informed based on the unique needs of the population being served, it may be inappropriate and overly restrictive to require this for all behavioral health and substance abuse programs.

Secondly, Section 2 requires OPM to establish a competitive grant program to identify and encourage best practices in the delivery of gender specific and trauma-informed services by the state or under contract with the state and further provides that any service provider in the state may apply for such grant. Although OPM certainly supports the global intent of ensuring that programs provided or funded by the state are consistent with best practices, the funding for this grant program is not in the budget. In addition, it's important to note that state agencies involved in providing and/or contracting for behavioral health and substance abuse services are already making efforts to ensure that best practices are incorporated into these services. These efforts can and will continue in the absence of a legislative mandate.

I hope this information is helpful. As always, OPM would be happy to work with the committee in addressing the issues identified above, and I thank you again for the opportunity to offer this testimony.