



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF CHIEF STATE'S ATTORNEY CHRISTOPHER L. MORANO

IN SUPPORT OF:

H.B. NO. 5818 (RAISED) AN ACT CONCERNING LOST OR STOLEN FIREARMS

IN OPPOSITION TO:

H.B. NO. 5780 (RAISED) AN ACT CONCERNING SAFE SCHOOLS

JOINT COMMITTEE ON JUDICIARY
MARCH 24, 2006

The Division of Criminal Justice strongly supports the passage of H.B. No. 5818, An Act Concerning Lost or Stolen Firearms, and strongly opposes H.B. No. 5780, An Act Concerning Safe Schools. We take these differing positions on these two bills for the same reason: to protect the public safety.

H.B. No. 5818 directly addresses the problem of "straw purchases" of illegal firearms. This legislation will in no way infringe on the rights of the law-abiding, responsible gun owner. What it will do is help get illegal guns off the streets of our cities - the guns that are killing people in horrifying numbers.

There is no question as to the extent of the problem. In the City of Hartford alone, the proliferation of illegal firearms, and the resulting death and injury, has reached crisis proportions. Arguments that used to be settled with fistfights are now routinely being settled with gunfights. What is even more disturbing is that those using the weapons are getting younger and younger. Children who used to wait on the porch and listen for the sound of the ice cream truck in anticipation are now forced to hide inside their homes in fear that they will hear the sound of gunfire.

The issue is simple: We have got to get the guns off the streets. H.B. No. 5818 provides for better tracking of "straw purchases," which are the illegal transfer of firearms. Such purchases are a primary source of the weapons illegally on our streets. Again, the bill in no way infringes on the rights of responsible gun owners. What it does is remove the ability of those involved in illegal transactions to hide behind a claim that the weapon was lost or stolen when, in fact, it was traded for cash or drugs. One needs to look no farther than today's news to see a classic example of what we are talking about

here. I have attached a copy of the news story to my written testimony. We would urge the Committee's Joint Favorable Report for this bill.

The Division of Criminal Justice strongly opposes H.B. No. 5780, An Act Concerning Safe Schools. Let me start by stating that the title of the bill is itself a misnomer because this legislation has absolutely nothing to do with safety in schools. In fact, it can promote just the opposite. The bill essentially guts the "drug free zones" established by this General Assembly within 1,500 feet of a school, day care center or public housing. The drug free zone laws provide for stronger penalties for illegal drug dealing within these areas near these facilities and housing where children are educated and cared for.

The bill is poorly drafted. For one, it changes the definition of the drug free zone from within 1,500 feet of a school, day care facility or public housing to 200 feet from the perimeter. As such, the buildings themselves would no longer be in the drug free zone. Ironically, one point raised in the study that helped to generate this bill is that only a small number of arrests have been made for drug sales to students, and that those arrests both occurred within the school buildings. Yet the bill seeks to remove such offenses from the law. This is just one example of how this study is flawed and should not be used as the basis for legislation.

This bill also sends the wrong message to those who are committing the violence and turning neighborhoods into battle zones. In fact, I would say that it is an insult to the Men of Color and other community groups that are placing themselves at danger to take on the criminals. How can we possibly justify eliminating much of the drug free zones when the people who live in those zones find it necessary to stand along the routes that the children walk to school to protect their safety? This is not about addressing social, economic or racial injustice, but rather about standing up for the innocent, law-abiding citizens - especially the most vulnerable - and standing together against those who would break the law.

The Division of Criminal Justice believes this bill is in reality just another attempt to repeal mandatory minimum sentence laws. In recent years this legislature has changed those laws giving judges discretion to depart from the mandatory minimum under certain circumstances. Those changes were endorsed by the Division of Criminal Justice. Further, the Legislative Program Review and Investigations Committee recently completed a detailed and thorough examination of mandatory minimum sentencing laws. The Program Review Committee did not recommend repeal of these laws. Rather, it has advanced a bill this year calling for a comprehensive study of sentencing laws.

We would also welcome the study of penalties envisioned in H.B. No. 5841, **An Act Establishing a Criminal Penalty Commission and Concerning the Retention of Fingerprints**, although we believe only one major study - either this bill or the Program Review version -- is necessary. Our only concern regarding H.B. No. 5841 is that the study should include victims of crime or their advocates. This is the same recommendation we made with regard to the Program Review study. The Division of Criminal Justice looks forward to participating in either of these studies.

We respectfully request the Committee to reject H.B. No. 5780.

Regarding the other bills on today's agenda, the Division of Criminal Justice would respectfully urge the Committee to reject Section 1 of H.B. No. 5819, An Act Concerning Harassment of Crime Victims, Compensation of Crime Victims and Waiver of Court Fees for Indigent Inmates. While we certainly commend the intent of this legislation, we believe a better approach is incorporated in H.B. No. 5813, An Act Concerning Victims of Crime, which was presented by the Division of Criminal Justice and heard by the Committee on March 20, 2006. We would respectfully suggest that the Committee delete Section 1 of H.B. No. 5819 and merge the remaining sections into H.B. No. 5813. This would provide a comprehensive plan to protect crime victims and prevent their re-victimization.

Thank you.