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Testimony of James F. Papillo, State Victim Advocate Submitted to the Judiciary Committee Friday, March 24, 2006

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is James Papillo and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised House Bill No. 5067, *An Act Requiring the Reporting of Stolen Firearms* (SUPPORT)

Raised House Bill No. 5819, *An Act Concerning Harassment of Crime Victims, Compensation of Crime Victims and Waiver of Court Fees for Indigent Inmates* (OPPOSE SECTION 1)

and

Raised House Bill No. 5841, *An Act Establishing a Criminal Penalty Commission and Concerning the Retention of Fingerprints* (SUPPORT with Proposed Amendment)

As the State Victim Advocate, I strongly support efforts to enhance public and victim safety. Raised House Bill No. 5067 does just that! This bill will require any person who lawfully possesses a firearm to report the theft of the firearm to law enforcement officials within seventy-two hours of the person discovering such theft.

Many firearm safety measures, such as trigger locks and proper storage of firearms and ammunition, have been established to protect, not only the owner of the firearm, but also the general public. The requirement proposed here will provide law enforcement with critical information to better assist in the investigation of crimes involving the use of firearms. This, in my view, translates into greater public and victim safety.

I am, however, somewhat perplexed as to the *seventy-two hour* reporting requirement. When a victim of identity theft discovers that his/her credit cards have been stolen, the victim is strongly encouraged to report the theft IMMEDIATELY to the issuing credit card company and others so that immediate action can be taken to minimize the risk that such stolen credit cards will be used illegally. To better protect public and victim safety, it is my opinion that the time to report lost or stolen firearms should be shorter. The sooner such reporting is made to law enforcement officials, the sooner an investigation into a theft can begin. Earlier reporting could serve to enhance the preventing of a serious crime (involving stolen weapons) from occurring.

Holding persons accountable for what happens to their firearms is one of the keys to slowing the flow of guns into the hands of people who should not have them (e.g., convicted felons). Persons who choose to possess a firearm must understand and accept greater responsibility of ownership. Raised House Bill No. 5067 is a reasonable step in that direction and I urge the Committee to **SUPPORT** this bill to enhance public and victim safety.

I **OPPOSE** Section 1 of Raised House Bill No. 5819. Although well intentioned, by itself this Section would not adequately address the problems and issues faced by crime victims such as "Isabel" who are further harassed, threatened and intimidated by their perpetrators who persist in abusing the judicial system in Connecticut to retaliate against their victims.

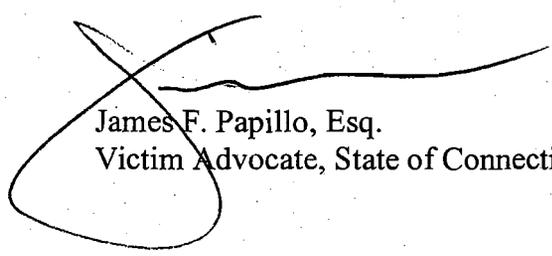
Section 1 of Raised House Bill No. 5819, by scrutinizing the legitimacy of claims at the start of the judicial process, might be construed as unreasonably intruding on the right of citizens to seek the redress of grievances through our court system. Attorneys are already duty bound under the Rules of Professional Ethics not to bring frivolous lawsuits before the court. Pro se litigants are sometimes given way too much latitude by judges in the way causes of action are framed. Therefore, this Section of the bill may not be all that effective in preventing the harm to crime victims associated with such abuses of the court system.

The better and more effective approach to the problem is provided in Raised House Bill No. 5813 which had a public hearing on Monday, March 20, 2006. Raised House Bill No. 5813 provides the type of protection against the abuses "Isabel" and others have faced with less risk of being construed as unconstitutionally intrusive on the rights of citizens to have access to our court system.

For these reasons, I **OPPOSE** Section 1 of Raised House Bill No. 5819.

Finally, I fully **SUPPORT** Section 1 of Raised House Bill No. 5841 which establishes a commission to review the criminal penalties currently specified for felonies and misdemeanors. However, I would respectfully request that the state Victim Advocate or his/her designee be included as a member of the proposed commission. I have attached, hereto, the language to accomplish this (please see attached).

Thank you for considering my testimony.



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