



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 20, 2006**

**Senate Bill 619, An Act Concerning The Seizure Of
Motor Vehicles Of Sexual Predators**

Good afternoon. My name is Stephen Ment and I am here to testify on behalf of the Judicial Branch in regards to *Senate Bill 619, An Act Concerning The Seizure of Motor Vehicles of Sexual Predators*. While the decision to enact a new crime and the seizure provision is a policy issue for the Legislature to decide, we do have numerous technical concerns, some of which are highlighted below, with the bill as drafted.

Section 2 (a):

- Line 26 speaks to the procedures for substitution of bond, but it is not clear how fair market value would be determined, who would make such a determination, how and by whom net equity would be determined and verified, and how and by whom liens would be identified.
- Line 30 refers to a summons being issued, but something would need to be done before that to initiate an in rem proceeding.

Section 2 (b):

- Lines 38-39 refer to a civil suit in equity, but as drafted, only the criminal case of the defendant exists. A procedure to initiate a civil action is necessary.

Section 2 (c):

- Lines 67-70: The prosecutor must provide the court with accounting information so that the court can make the necessary order regarding proper disbursement of auction proceeds.
- This section presumes that the underlying criminal charge and the seizure hearing will be close in time. However, the matters could be separated by years. Issues pertaining to the vehicle being held in the interim – such as cost of storage and fees – must be contemplated.

Section 2(e):

- It is unclear how the court can “set aside” a transfer, nor how the order will be carried out. What agent will take the vehicle from the new owner and how? How and who will notify DMV so that its records can be updated to reflect the “set aside” transfer?

Section 4:

- As in section 2(a), the procedures for substitution of bond must be made clearer.
- Additionally, if the court does order forfeiture, there must be some confirmation that such was accomplished so that the bond can be released.

If it is the intent of the Committee to act favorably on this concept, perhaps the drug asset forfeiture section (C.G.S. § 54-36 h) could be used as a model, or expanded to allow for the seizure of cars.

Thank you for the opportunity to testify.