



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
April 2, 2007**

Senate Bill 1348, An Act Strengthening Drunk Driving Enforcement

Good afternoon. Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch in regards to **Senate Bill 1348, An Act Strengthening Drunk Driving Enforcement**. This Branch has technical and fiscal concerns with the bill as drafted.

Numerous sections of the bill authorize the forfeiture of a motor vehicle. The bill is vague, however, in how this would be implemented. For example:

- it is not clear which state agency will seize the vehicle,
- where it will be stored, and
- which agency will auction the vehicle.

Furthermore, what if the defendant sells the motor vehicle or transfers ownership between arrest and disposition of the case? If this occurs, the defendant may have held legal title to the vehicle at the time of offense, but not at the time of the forfeiture. Also, most of the forfeiture sections require that the operator held legal title to the motor vehicle at the time of offense, while other sections refer to "lawful possession"; query as to whether someone could be in lawful possession of another person's car that could end up being forfeited?

Section 13 of the bill is problematic for the Judicial Branch. This section requires the court to transmit court dispositions to the Department of Motor Vehicles (DMV) within 48 hours of conviction. This cannot be accomplished within existing resources.

As members of the Committee may be aware, we are suffering from acute staff shortages in our clerk's offices. Currently, there are at least 70 essential vacancies that cannot be filled due to budgetary constraints; among other things, this causes delays in the entry of data. The problem has become so acute that the Chief Court Administrator has authorized staff to work evenings and weekends to try to catch up on the backload in the clerk's offices. It is estimated that the clerk's offices would need a 30-50% increase in staffing in order to be able to process such matters within the bill's time frame.

Therefore, we would respectfully request that, should the Committee act favorably on the bill, that it be referred to the Appropriations Committee.

Thank you for the opportunity to submit testimony on this bill.