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State of Connecticut*

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**Testimony of Susan O. Storey  
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*Raised Bill No. 1348  
An Act Strengthening Drunk Driving Enforcement*

**Judiciary Committee Public Hearing  
April 4, 2007**

The Office of Chief Public Defender opposes *Raised Bill No. 1348, An Act Strengthening Drunk Driving Enforcement*. This bill eliminates a number of legislative initiatives enacted in recent legislative sessions intended to balance fairness in the process and punishment. Among the many punitive provisions, this bill would eliminate the possibility of obtaining an extension of time beyond the one-year period to complete the Alcohol Education Program for a first time offender. Eliminating such an extension can greatly impact a first time offender, as compliance within the time period may be difficult or impossible depending upon the circumstances. Some real reasons exist as to why a person may not be able to complete the program and may include illness, unavailability of the program in the language spoken by the offender or military service.

All of the sentences and fines that can currently be imposed are substantially increased in the bill. One enhanced penalty proposed is the forfeiture of the motor vehicle that the person was driving. Depending upon the offense charged, the forfeiture can occur if he/she holds the legal title to such or so long as the person was in lawful possession at the time of operation. As a result, innocent motor vehicle owners may forfeit their personal automobile. Not only will this have an impact upon innocent owners, but upon businesses that provide motor vehicles to employees, and companies that provide loaner cars or rent or lease motor vehicles to the public.

Another provision of the bill drastically enhances the penalty for a conviction of tampering with an ignition interlock device, currently a C misdemeanor that carries a maximum penalty of incarceration of 90 days. The bill enhances the offense to that of a class B felony that carries a penalty of up to 20 years incarceration. Such a classification equates this crime to violent criminal offenses such as Sexual Assault in the first degree, Robbery first degree and Assault first degree.

The bill also eliminates a person's right to call an attorney prior to the administration of the BAC test, and reduces the amount of time between the administration of the 1<sup>st</sup> and 2<sup>nd</sup> test from 30 to 10 minutes. The time periods for which a license can be suspended depending upon whether there is a conviction, an elevated BAC or the person refused to take the test have all been increased. As drafted, the bill makes it very difficult if not impossible for a person to comply with the time periods within which to request a hearing before the Department of Motor Vehicles. The time period, reduced from 7 to 5 days, will easily have lapsed by the time most indigent defendants have been appointed counsel. As a result, many defendants may be foreclosed from the hearing to which they are entitled. Breath tests are admissible even if law enforcement personnel do not comply with the statutes, and they are no longer required to submit their reports in writing or on approved forms.

Lastly, as drafted, section 16 not only eliminates the requirement in C.G.S. §54-1q that the court advise a defendant that a plea of guilty or nolo contendere to certain offenses could result in suspension of license but *further prohibits the court from accepting a plea of guilty or nolo contendere for offenses* such as operating under suspension, C.G.S. 114-222(a), Reckless Driving, C.G.S. 14-224 (a) or (b), Evading and C.G.S. 53a-119b, Using a Motor Vehicle without the owner's permission.

The Office of Chief Public Defender concurs with the written testimony as presented by the Connecticut Criminal Defense Lawyers and requests that this bill be rejected.