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Testimony of James Papillo, State Victim Advocate Submitted to the Judiciary Committee Monday, March 12, 2007

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. 7313, *An Act Concerning Domestic Violence* (PARTIAL SUPPORT)

Raised House Bill No. 7335, *An Act Concerning Persistent Offenders* (SUPPORT)

One of the most troubling problems that I hear often from victims of family and domestic violence, and from law enforcement officials as well, relates to the lack of protection that can be afforded to such victims when incidents occur after normal business hours or on weekends. In situations where someone is arrested for a domestic violence offense and is quickly released on bond, the victim can be “exposed” to further danger and harm because law enforcement officials do not have the authority to issue orders and/or conditions of release that would make it a crime or violation to have any further contact with the victim during the interim between the date and time of the incident and arraignment in court.

While law enforcement officials often will verbally admonish the accused to have no contact with the victim during this time period, if the accused “violates” such a verbal “order,” there is no legal consequence for doing so—and many offenders know this all too well. This “gap” in protection for victims of domestic and family violence must be closed.

Raised House Bill No. 7313 will, in part, provide law enforcement officials with the authority to issue non-financial conditions of release to those accused of family or domestic violence crimes and, further, will allow law enforcement officials to arrest those accused of violating such orders as a condition of their release.

However, Sections 3 & 4 of Raised House Bill No. 7313 creates the crimes of violation of conditions of release in the *first degree* and *second degree*. This distinction is based solely on the nature of the underlying crime charged—i.e., misdemeanor vs. felony. The penalty assessed for violating an order to stay away from a victim issued by a law enforcement official should be the same as an order of protection issued by a Superior Court judge. Further, the penalty assessed for violating such an order issued by a law enforcement official should be the same regardless of the nature of the underlying offense—again, just as is the case for violating a restraining order or a protective order issued by a Superior Court judge.

Some of the most common, and serious, offenses committed in family violence incidents include assault 3rd, disorderly conduct, breach of peace 2nd, unlawful restraint 2nd, criminal trespass 1st, reckless endangerment 1st, threatening 2nd, stalking 2nd, harassment 2nd, interfering with a 911 call and resisting arrest—all *misdemeanor* crimes. Once arrested for one or more of the aforementioned crimes and released with the condition that such person have no contact with alleged victim, the penalty for violating that condition should be the same as the penalty for violating a protective order issued by a criminal court judge typically at arraignment. The charge of violating a protective order is a felony crime.

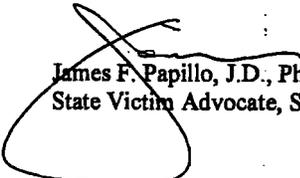
Further, in cases where a civil/family restraining order has been issued and there is no pending criminal prosecution, a violation of the restraining order is a felony crime (Public Act 05-147). The penalty is assessed for violating a court order, irrespective of the nature of the underlying criminal charges(s). The penalty for violating the same type of order issued by a law enforcement official, one intended to protect the victim, should be no less of a crime. Just as for a violation of a restraining or protective order issued by a Superior Court judge, a violation of a condition of “no contact with the victim” set by a law enforcement official should also be a felony crime.

Victims of family and domestic violence are often most vulnerable once an arrest has been made. I strongly urge the Committee to support Raised House Bill No. 7313 to give law enforcement the authority to issue non-financial conditions of release, including an order of no contact, for the benefit of the victim. However, I strongly urge the Committee to consider amending the language so that the penalty for a violation of such an “order” is not dependent upon the underlying crime. The violation of such an “order” should be a felony crime.

Additionally, I also urge the Committee to support the inclusion of a stun gun or other conductive energy device in the definition of electronic defense weapons for which law enforcement officials may seize in the course of an alleged domestic or family violence investigation.

Finally, Raised House Bill No. 7335 will provide for a more accurate picture of a person’s criminal behavior and history when determining whether to consider a person to be a persistent offender. I urge the Committee to support this important proposal.

Thank you for considering my testimony.



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