



State of Connecticut

HOUSE OF REPRESENTATIVES

STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE LAWRENCE F. CAFERO, JR.
ONE HUNDRED FORTY-SECOND DISTRICT

REPUBLICAN LEADER

LEGISLATIVE OFFICE BUILDING
SUITE 4200
HARTFORD, CONNECTICUT 06106
TELEPHONE
CAPITOL: (860) 240-8700
TOLL FREE: 1-800-842-1423
FAX: (860) 240-0184

March 12, 2008

Good afternoon Chairmen McDonald and Lawlor, Ranking Members O'Neill and Kissel, and Members of the Judiciary Committee. I am here today to testify in support of Raised Bill Number 5915: *An Act Concerning Persistent Dangerous Felony Offenders*.

Thank you for raising this important bill. The House Republican Caucus is dedicated to passing legislation this session to require that three time dangerous felons serve life in prison without the possibility of release. Upon a person's third conviction of a dangerous felony, that person should spend the remainder of his or her life in prison. The concept is clear. Raised Bill 5915 is the straightforward way to ensure that we have a mechanism in our law to put repeat offenders away for life.

During the January Special Session the General Assembly debated "Three Strikes and You're Out." After many hours of discussion, this concept was ultimately defeated. Much of the debate focused on the argument that Connecticut already has a "Three Strikes" law on the books by way of the Persistent Dangerous Felony Offender law. This argument simply is not true. This law, as it is currently written, allows for too much prosecutorial and judicial discretion. That is why we are proposing changes to make the Persistent Dangerous Felony Offender statute a true "Three Strikes and You're Out" law.

First, we propose that once a person has been convicted as a persistent dangerous felony offender for committing three serious violent felonies that person shall serve life in prison without the possibility of release. Currently, the judge may choose a sentence up to sixty years in prison if a person is convicted as a persistent dangerous felony offender. Secondly, we propose that if a person is eligible to be charged as a persistent dangerous felony offender, and the prosecutor chooses not to charge that person as such, the prosecutor must state in open the court the reason for not bringing the charge. Right now, prosecutors have the discretion to decide whether to charge a person as a persistent offender, and we have heard through previous testimony that often times they are deciding not to bring this charge.

While we recognize the importance of judicial and prosecutorial discretion, we have seen that very few repeat offenders are serving enhanced sentences. Prosecutors are not bringing these charges, and even once a person is charged and convicted, judges are not imposing the maximum penalties. The Department of Correction can only identify six people currently serving an enhanced sentence as a persistent offender. Further, the Department of Correction identified 265 incarcerated persons who were eligible for an enhanced sentence under the Persistent Dangerous Felony Offender statute but were never charged as such. These 265 people are currently serving sentences ranging from seven months to sixty years.¹ None of these persons are serving life sentences without the possibility of release.

During the January Special Session we made many important changes to the criminal justice system, but we still have work to do. By passing Raised Bill 5915 we will require persons who have been convicted three times of dangerous felonies to serve life in prison without the possibility of release, and we will hold prosecutors accountable if they do not seek life sentences for repeat offenders.

Next, we would like to lend support to the Governor's Bill, Raised Bill 5035: *An Act Concerning Repeat Offenders, Burglary and Pardons and Parole*. In particular, we would like to thank Governor Rell for highlighting the changes that need to be made to the burglary statutes. The House Republican Caucus requested the Judiciary Committee raise a similar concept, and we urge the committee to pass legislation to fix the burglary statutes.

Burglary is a serious crime. It is a crime that makes people feel unsafe in their own homes. We must make it clear to would be criminals that burglary crimes will not be tolerated. The General Assembly made an important step forward during the January Special Session by enacting the new law of Home Invasion, but we need to take a step further and include in the definition of burglary in the first degree any burglaries committed when a person is at home when a burglary takes place.

It should not matter whether a burglar enters a home during the day or at night, or if an occupant of the home is injured. Unlawful entry of an occupied dwelling should constitute burglary in the first degree, and any person who commits this crime should be subject to a term of five years in prison without eligibility for release.

Thank you for your consideration of the legislation. The House Republican Caucus looks forward to continuing to work to make Connecticut a safer place to live. We urge passage of these bills so that the full General Assembly may have the opportunity to debate them.

Thank you.

¹ OLR 2008-R-0154 "Persistent Dangerous Felony Offender Law" March 10, 2008