



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

EXTERNAL AFFAIRS DIVISION

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**Testimony of Stephen N. Ment
Judiciary Committee Public Hearing
March 16, 2009**

**House Bill 6670, An Act Concerning The Rights Of Crime Victims and
The Duties Of the Office Of The Victim Advocate**

Thank you for the opportunity to testify, on behalf of the Judicial Branch, on House Bill 6670, *An Act Concerning the Rights of Crime Victims and the Duties of the Office of the Victim Advocate*. The Branch has concerns with several provisions of this bill.

Section 1 of the bill represents a significant break from current law and federal guidelines by allowing the payment of funeral expenses for victims who were killed in the course of committing a crime. Current practice, based on the considerations listed in the statute, limits payment of funeral expenses to victims who did not contribute to their death. While changing this is a policy decision for the Legislature to make, I did want to bring to your attention our concern about our ability to meet this mandate. During fiscal year 2007-2008, the Judicial Branch's Office of Victim Services (OVS) paid out more than \$450,000 for funeral related expenses. As you know, the resources available to OVS are limited. Broadening the pool of eligible victims to include those whose actions contributed to their own death would mean that less money is available for crime victims who played no role whatsoever in their death.

Section 3 of the bill would limit the amount of compensation for funeral expenses to \$4000. We are concerned with this provision. Establishing statutory limits on the amount of particular benefits that may be paid reduces OVS's flexibility and ultimately harms crime victims. In July of 2007 OVS increased the level of money available for

funeral expenses from \$4000 to \$5000, after learning that the former amount was no longer sufficient. This proposal would not only roll back the current award level, but would also make it more difficult for OVS to appropriately adjust the benefit level in the future.

Section 6 of the bill, which seeks to establish and fund an account for victim service advocates, calls for the court to impose a fee on those convicted of a felony, misdemeanor, or granted admission to accelerated rehabilitation. As drafted, this fee cannot be waived by the court. We would respectfully note that some defendants truly are indigent, and ask that the language be amended to give the court discretion to waive the fee upon a showing of good cause, as is statutorily permitted in other instances.

Section 7 of the bill would also represent a significant break from current law by requiring court based victim advocates to assist victims who have suffered only financial harm. Currently, victim advocates assist only victims who have suffered physical harm or who are survivors of homicide. This long-standing requirement is rooted in the fact that limited resources are available and a policy decision that these limited resource should be directed to those who are most in need. This provision would result in a significant additional workload for our victim advocates that cannot be absorbed by the existing staff.

Finally, the Judicial Branch opposes Section 8 of the bill, which would give priority to certain criminal cases. We believe that this measure unacceptably interferes with the ability of a Superior Court judge to exercise his or her discretion and to control the flow of business in the courtroom.

In conclusion, I would like to state that, while the Judicial Branch has concerns with several of the particular provisions of this bill, we share with the Victim Advocate a desire to improve the services that are available to crime victims. We would be pleased to work with her to craft legislation that achieves this laudable goal.

Thank you for the opportunity to testify.