



# State of Connecticut

## DIVISION OF PUBLIC DEFENDER SERVICES

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**Testimony of**  
**Deborah Del Prete Sullivan, Legal Counsel**  
**Office of Chief Public Defender**  
*Raised Bill No. 6579*  
**An Act Concerning the Immigration Consequences of a Plea of**  
**Guilty or Nolo Contendere**  
**Judiciary Committee Public Hearing**  
**March 16, 2009**

The Office of Chief Public Defender supports this agency proposal, *Raised Bill No. 6579, An Act Concerning the Immigration Consequences of a Plea of Guilty or Nolo Contendere*. The bill would expand from 3 to 5 years the time period within a person could move to withdraw his/her plea of guilt or nolo contendere if the court fails to advise the person of possible immigration consequences. Prior to 1997, there was no statute of limitation within which a person was required to file a motion to withdraw his/her plea. In 1997, an amendment was passed in the House which placed a 3 year time period as it currently exists in statute. (See LCO 9601, House Amendment A).

Current law requires that the court advise and assure that the defendant understands that if the defendant is not a citizen, he/she may be subject to immigration ramifications including deportation and exclusion to the United States. This advisement is necessary to insure that any guilty plea entered is knowing and intelligent. An expansion of this time period is necessary as the current 3 year time period is insufficient to protect non citizens from the immigration ramifications of a conviction. Such ramifications can be harsh and include removal from this country and separation from the person's family, including his/her children.

Extending the time limit to 5 years will provide greater protection to such persons. This office is aware that clients have sought advice from their public defenders on how to seek post conviction relief for their pleas which have resulted in unexpected immigration consequences. By adopting this bill, judicial economy should be served as the trial court will be the appropriate venue for persons to seek redress.