



**State of Connecticut**  
**DIVISION OF CRIMINAL JUSTICE**

**Testimony of the Division of Criminal Justice**

*In Support of:*

**S.B. No. 427 (RAISED) An Act Concerning the Use of Hand-Held Mobile Telephones  
and Mobile Electronic Devices by Motor Vehicle Operators**

*Joint Committee on Transportation*  
*March 12, 2010*

The Division of Criminal Justice supports S.B. No. 427, *An Act Concerning the Use of Hand-Held Mobile Telephones and Mobile Electronic Devices by Motor Vehicle Operators*. This bill includes important provisions to better protect public safety with regard to the use of cell phones and similar devices by motorists and to encourage the enforcement of the law banning such use. Specifically, the bill adds the term "texting" in recognition of the explosion in the practice of using cell phones and similar devices to send electronic messages. The bill also provides for enhanced penalties and the incremental increase in the penalty for repeat violations. Enforcement would be enhanced through the provisions that provide reimbursement to those municipalities which commit the time and personnel to enforce the law.

It has been six years since the General Assembly enacted the law banning -- with certain limited exceptions -- the use of hand-held cell phones while driving. Yet as anyone can see after just a few minutes on the road, the law is openly ignored by many, many motorists. The bill repeals subsection (g) and the special provisions it extended to first-time violators. This is warranted for two reasons: first, six years is long enough to become aware of the law, and second, there is no way to quantify the number of actual "first-time" offenders whose cases are nolle with the submission of a receipt for the purchase of a "hands-free" device. There is no way to stop the replication and repeated use of the same receipt.

The bill recognizes the tremendous increase in awareness, both nationally and here in Connecticut, of the serious hazard posed by distracted driving in all forms. The use of a hand-held cell phone while operating a motor vehicle, whether for verbal communication or to send or receive text messages, is an extreme example of distracted driving. The National Highway Transportation Safety Administration (NHTSA) recently provided grant funds to the State of Connecticut to address all forms of distracted driving through increased enforcement efforts. S.B. No. 427 supports these increased enforcement efforts by giving municipalities 25 percent of the amount received as a result of summonses issued by the police in the municipality. This reimbursement

process in all likelihood would have no negative impact on state revenue however; because the bill also increases the penalty for both first and subsequent violations. With increased enforcement and the end of the special exception for first-time offenders, the state should collect more revenue than it does now even after the new share to the municipalities is deducted. The Division of Criminal Justice respectfully recommends the Committee's Joint Favorable Report.

**Respectfully submitted,**

**Kevin T. Kane**  
**Chief State's Attorney**

**Susan Naide**  
**Senior Assistant State's Attorney**  
**DUI Coordinator - Office of the Chief State's Attorney**